

## 6.5 JAIL OPERATIONS – BOOKING AND CUSTODY

### 6.5.1 BOOKING PROCEDURES

Revised January 17, 2001

#### POLICY

The arresting officer shall complete the “Arrest and Booking Information Form” (PD 4102.013(A)),

- It shall be the responsibility of the arresting officer to search his/her prisoner thoroughly in conformity with Department policy and to make a complete inventory of the prisoner’s property. The officer will place the prisoner’s property into a plastic bag and complete the Property Inventory section on the aforementioned form
- The arresting officer shall pass on any pertinent information regarding the prisoner’s mental and physical status. For example, the jailer must be advised if the prisoner is sick or has been injured in any way, or if the prisoner is suicidal
- Prisoner’s property that cannot fit into a plastic bag shall be inspected and searched as appropriate. The remaining bulky items shall be put into large, brown paper bags when feasible, and the bag or property shall be placed into the fifth floor property section with the appropriate property report being filed. An entry to this effect shall be made in the property inventory.
- All money will be counted, placed into a money envelope and sealed in the plastic bag. Prisoners will not take any money to the jail floors. Officers will be certain to write the prisoner’s booking number correctly and legibly on the money envelope.
- Prisoner’s shoelaces will also be removed and placed into the plastic property bag. Additionally, all medication, prescription or otherwise will be placed into the plastic bag, officers will not take prisoner’s medication to the jail floors.
- Additional charges, which may result from evidence uncovered during the search, shall be added to the Arrest and Booking Information form.
- The arresting officer will give the completed Arrest and Booking Information form to the booking supervisor, who will review the arrest for correctness of charges. If the charges are correct, the supervisor will sign the form as being approved for booking. The approved form will be given to the booking clerk typist for booking.

**NOTE:** Booking personnel will not handle prisoner property, but will rely on the information provided in the Arrest and Booking Information Form completed by the arresting officer.

The booking supervisor will check the contents of the completed booking package and then initial the form set in the Supervisor Approval Field.

The arresting officer will be given the PROPERTY RECORD (pink copy of the printed booking face sheet) and put it into the prisoner's plastic property bag and then heat-seal the bag. Officers shall seal the bag so that the PROPERTY RECORD is legible and facing the same direction as the money envelope. The sealed property bag will be placed in the booking desk safe by booking personnel.

At no time is the prisoner to be left alone by the arresting officer. The arresting officer is responsible for the prisoner until the prisoner is turned over to the Jail Division personnel.

Officers not assigned to the booking desk shall not go behind the desk without authorization by the booking sergeant.

### **6.5.1(A) BOOKING ON WARRANTS**

When a suspect is placed under arrest on an outstanding warrant, whether misdemeanor or felony, and the warrant is not an exact match to the suspect, the warrant must be verified through the subject's fingerprints before the suspect is booked for the charges.

The booking clerk will check and verify the warrant at the time of booking. If the warrant cannot be verified by computer check, fingerprints are sent to the fingerprint classifier to be verified.

In the rare event that a prisoner is sent to County Jail without having cleared Livescan, the County will add any additional charges as needed.

If the suspect is booked on an open charge, a warrant charge will not be added unless the warrant is an exact match, or the charges are verified by fingerprints. Since Livescan does not verify warrants that are already added to the booking sheet, any warrant that is not an exact match shall be verified first by fingerprints before being added as a booking charge.

It is the responsibility of the Booking Sergeant to verify any and all charges added to the booking sheet.

A warrant that is not an exact match and cannot be verified by fingerprints will not be added as a booking charge.

#### **6.5.1.1 BOOKING PROCEDURE/COMPUTER TERMINALS INOPERATIVE**

The Arrest Review Sergeant will activate the following booking procedure when the booking desk (LASD Booking System) computer terminals are inoperative:

- The arresting officer or transporting officer the “Arrest and Booking Information Form” (PD 2100.055, revised 7/81)
- It shall be the responsibility of the arresting or transporting officer to search his/her prisoner thoroughly and to make a complete inventory of the prisoner’s property. The officer will place the prisoner’s property into a plastic bag and fill out the property inventory section on the Arrest and Booking Information form
- The arresting officer will give the completed Arrest and Booking Information form to the Booking Sergeant, who will review the arrest for correctness of charges and completeness. If the charges are correct, the Booking Sergeant will sign the form as approved for booking and issue a reserved booking number. The approved form will be given to the booking desk Clerk Typist for booking

When the booking system computer is operational, the booking desk Clerk Typist will enter the back logged approved arrest and booking information form. The computer typed printout in custody form set is then separated and distributed.

Staff will replace the hand printed, in custody form set with the computer printout at each distribution point.

## **6.5.2 BOOKING AREA & TUNNEL SECURITY**

The booking desk and the access tunnel to the booking desk are restricted areas. These areas are off limits to the general public and to the news media unless authorization is received from the watch commander or other member of the command staff. Persons who are given authorization to enter these areas must be accompanied by a responsible member of the Department who shall remain with the visitor while in the restricted area.

Command officers who authorize entry into these restricted areas shall notify the watch commander and the booking sergeant of the authorization and shall either accompany or arrange for someone to escort the visitor to the area and remain with the visitor until the visit is terminated.

### **6.5.2.1 HOLDING CELL USE**

Approved: 04/10/09

The Support Bureau has audit responsibility.

The holding cell in booking is a temporary housing cell to be used only during the initial booking process. Male and female arrestees should not be housed in the holding cell together. Subjects and arrestees may be placed in the holding cell at the discretion and approval of the booking sergeant. This may occur if the subject displays any of the following behavior:

- Poses a threat to the peace and security of the facility
- Presents, by their behavior, a threat to themselves or others
- Poses a threat of escape or assaults officers or other arrestees

- Arrestees who are uncooperative or disruptive during the booking process

Officers placing subjects or arrestees into the holding cell must ensure their arrestee is under constant visual supervision.

While the holding cell is occupied all lights inside the holding cell must remain on at all times.

The booking sergeant must be notified when the arrestee is removed from the holding cell.

The holding cell doors must remain locked at all times, and the key will be kept with booking personnel.

Arrestees who pose a suicide risk shall not be placed in the holding cell unrestrained, due to the risk of self-inflicted serious bodily injury.

The restraint chair should be considered as an option, when an arrestee meets the following criteria:

- Displays behavior resulting in destruction of property
- Reveals intent to cause physical harm to self or others

The use of the restraint chair can be used in conjunction with placement of arrestees in the holding cell. Employees shall adhere to Jail Manual Policy 2.415 when using the restraint chair.

### **6.5.3 RESPONSIBILITY FOR SEARCHING PRISONERS**

Officers shall conduct a field search of all subjects before placing them into a police vehicle. All arrested subjects shall be handcuffed while being transported to the jail and shall remain handcuffed until they are delivered to the jail area. Handcuffs will then be removed at the booking desk only at the direction of the booking supervisor.

Arresting or transporting officers shall be responsible for searching male prisoners at the booking desk, and for inventory and bagging the prisoner's property in accordance with the appropriate Departmental directions. Purses in the possession of female prisoners shall be completely inventoried and bagged at the booking desk.

Female prisoners shall be thoroughly searched by female jail personnel after being delivered to the women's jail facility. Additional property taken from the prisoner at this time shall be inventoried, bagged, and added to the prisoner's booking package by entering this information into the booking component of the in-custody system by jail personnel.

Male officers shall make a complete search of female prisoners, only if probable cause exists, in the belief that she may be concealing a dangerous weapon or

drugs, and the circumstances are such that a search by a female officer is either impossible or impractical. Under such circumstances, a male officer may perform such search of the female prisoner as is necessary to ensure the safety of the officer, the prisoner, and any persons with whom she may come in contact.

### **6.5.3.1 Detention Officers - Use of Chemical Agents**

All Detention Officers, once trained and certified in the use of pepper spray, shall be allowed to carry and use it in compliance with the policies of the Long Beach Police Department.

Oleoresin capsicum spray (pepper spray) will only be used to control violent combative persons. It will be used at officer's discretion in all instances when safety of the officers, and or inmates is an issue, regardless of the degree of intoxication of the individual.

It is not the intention of this policy to limit the use of pepper spray to only those individuals not confined in a cell or dayroom area. There are those occasions where the use of pepper spray through the bars is acceptable, such as, but not limited to, a fight between inmates where great bodily injury may occur.

Following the use of pepper spray:

- Everyone exposed shall be treated by the duty jail nurse, and in her absence transported to the contract hospital
- An incident report shall be filed with "Use of Force" written across the top in red ink
- Involved employee shall notify their supervisor. The Watch Commander shall also be notified
- The incident will be entered in the Jail Daily Incident Log
- All reports shall be forwarded to the Jail Commander for review
- Once reviewed, all reports shall be copied, and copies forwarded to the Internal Affairs Division for review
- The Jail Division shall maintain original reports
- Modification to the Arrest Report with additional charges if needed

### **6.5.4 SEARCHING OF ARRESTEES**

The Legislature has found and declared that law enforcement policies and practices for conducting strip or body cavity searches of detained persons vary widely throughout California. Consequently, some people have been arbitrarily subjected to unnecessary strip and body cavity searches after arrests for minor misdemeanor and infraction offenses. Some present search practices violate State and Federal Constitutional rights to privacy and freedom from unreasonable searches and seizures.

It is the intent of the Legislature in enacting Section 4030 PC, to protect the State and Federal Constitutional rights of the people of California by establishing a statewide policy strictly limiting strip and body cavity searches.

### **Policy**

Employees shall adhere to procedures that do not violate an individual's State and Federal Constitutional rights of privacy and freedom as they relate to search and seizure as outlined in 4030 PC.

### **Procedures**

- Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched
- All persons conducting or otherwise present during a strip search, or visual or physical body cavity search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel
- Searches shall be conducted in accordance with Training Bulletins #170, #172 and #173

### **Felony Charge Strip Searches: (Approval not required under the following circumstances)**

- A felony arrest involving DRUGS, WEAPONS OR VIOLENCE. Discretion should be used in violence –related arrests
- A felony arrest with additional charges (misdemeanor) involving drugs
- A felony warrant arrest with additional drug or weapons charge
- A felony warrant arrest for DRUG and/or WEAPONS with a warrant issue date of one year or less

### **Misdemeanor Charge Strip Searches**

- A strip search shall not be conducted without the prior, written authorization of the sworn on-duty booking sergeant
- Forms shall be provided by the booking sergeant

**NOTE:** An arrest (felony or misdemeanor) **NOT** involving **DRUGS, WEAPONS, or VIOLENCE** will require completion of an "Authorization to Strip Search an Arrestee" form (PD Form 2100.059). Written authorization by the booking sergeant is compulsory on the form. The justification shall state specific articulated facts and circumstances upon which the reasonable suspicion determination was made.

Any employee who knowingly and willfully authorizes or conducts a search in violation of this Section is guilty of a misdemeanor (4030 subsection N of the California Penal Code).

### **6.5.5 MEDICAL RECORD FOR IN-CUSTODY PERSONS**

A “Medical Record for Persons In-Custody” form (PD Form 2100.56) will be completed by arresting or transporting officers any time a person in-custody (or person to be taken into custody) is examined or treated by a physician or hospital outside of the Department Jail.

#### **Procedure**

All officers transporting a prisoner for examination by a physician, whether from jail after booking or subsequent to arrest and prior to booking, shall adhere to the following:

- Prepare a copy of the Long Beach Police Department “Medical Record for Persons in Custody” form

A hospital employee shall complete the second portion of the report. The information is self-explanatory and may be typed or printed on the form

- The third portion of the report is to be completed and signed by the physician who actually examines the person in custody. The physician, prior to the patient leaving the medical facility, must complete this part of the form. A copy of the hospital emergency report of the in-custody person shall be requested and submitted with all other related reports
- When booking the injured person, or transporting someone already booked back from the hospital, the medical report shall be shown to the Booking Supervisor. The supervisor shall review, initial and write his/her photo number on the medical report if the booking is approved. The medical report shall be taken, with the prisoner, to the Jail for review by the Jail Supervisor. If the Jail Supervisor approves the booking, or readmitting of a person already booked, he/she shall initial and write his/her photo number on the medical report for injured persons
- The form should accompany the prisoner to the Long Beach Jail and remain there to be completed by the jail physician. The Jail Division will forward the form to the Information Management Division to be included in the prisoner’s file

If the prisoner is not kept in LBPD custody, and instead is released to another agency, this report should be included with reports, which are filed on the prisoner and forwarded to Information Management. A copy of our form should be made and left with the facility the prisoner is released to so the prisoner can receive consistent continuing treatment.

#### **6.5.5.1 RELEASE & SECURITY OF JAIL PRISONERS FOR EMERGENCY MEDICAL TREATMENT**

No prisoner shall be transported from the Jail for medical reasons without the knowledge and consent of the watch commander. The watch commander shall be



responsible for providing security for paramedics transporting a prisoner and for determining if the prisoner should be released on his/her own recognizance or remain in custody with appropriate security measures in effect.

### **Procedure**

When a prisoner is in need of immediate medical attention, any employee observing such a condition shall immediately notify paramedics and a jail supervisor. A prisoner shall be considered in need of immediate medical attention when:

- An intoxicated prisoner does not react in a normal manner after two hours
- A prisoner is found unconscious
- A delay in medical treatment might result in further complications

When a jail supervisor becomes aware that a prisoner is in need of immediate medical attention, the jail supervisor shall ensure that paramedics have been called and shall immediately notify the watch commander.

The watch commander, upon notification, shall immediately assign an officer to respond to the jail to provide security in the event the prisoner is transported from jail, and to keep him/her apprised of the prisoner's medical status.

In the event that the prisoner needs outside medical care, paramedics will determine the means of transportation.

- If the prisoner is to be transported by paramedics, the officer shall provide security by accompanying the prisoner to the paramedic van
- If paramedics determine they will not transport, the officer will transport the prisoner to the hospital

The watch commander shall review the condition of the prisoner and consider releasing the prisoner from custody on his/her own recognizance. The watch commander at his/her discretion may elect not to release the prisoner, in which case an officer must be assigned to guard the prisoner at the hospital until such time as the prisoner can be transported to a security medical facility.

It is the watch commander's responsibility to follow-up and ensure the release of a prisoner in need of medical treatment, prior to leaving at the end of the shift. Delegation of this task does not relieve the watch commander of this responsibility.

Aspects to be considered relative to an OR or 849(B) (2) release include, but are not limited to, the following:

- Does the prisoner require extended medical examination or care?
- The nature of the charges; i.e., misdemeanor, felony, or warrant
- Was the prisoner able to provide satisfactory identification?



- Is there a reasonable likelihood that the offense would continue?
- Would the safety of persons or property be imminently endangered if the prisoner were released?
- Is there reason to believe that the prisoner would not appear for Court at the time and place specified, if released on his/her own recognizance?

The watch commander shall make every effort to make a decision as to whether or not to release the prisoner, prior to the prisoner being transported from jail.

#### **6.5.5.2 MEDICAL TREATMENT – ADULT ARRESTEES**

Revised September 11, 2008

The Support Bureau has audit responsibility.

#### **Jail Division Responsibilities**

The Jail nurse shall medically screen all incoming prisoners prior to the completion of processing. The actual acceptance or rejection of a prisoner is delegated to the Jail Supervisor or on-duty nurse. (See Jail Division Policy 8.100, Section 1 – Medical Responsibility). The Jail supervisor shall record all significant medical problems in the Jail Division logbook to apprise other personnel in the Division of immediate of potential problems. Required Jail inspections will be completed to provide adequate monitoring of each inmate.

#### **Transportation to Medical Facilities**

Injured prisoners, mentally unstable individuals (5150 WIC), and violent PCP prisoners, et cetera, may require transportation to County medical facilities outside the City. These individuals shall be transported to medical facilities in police vehicles when feasible. If these individuals require ambulance transport, police officers shall follow the procedures as outlined below.

- Paramedics shall be called to evaluate and transport from the scene or Jail to a local hospital if necessary, it will be the option of the paramedics to request a private ambulance be called for transportation
- If the patient is medically stable for transfer, and is charged with an offense that precludes an RNB (i.e. 187, 261, etc.) the referring hospital shall place the call to MEDICAL ALERT CENTER (MAC), telephone (213) 226-6697, advising them of the name of the patient in custody and requesting transfer. The hospital shall also provide MAC with the arresting officer's name, badge number and jurisdiction. After MAC accepts the transfer, they will dispatch a private ambulance under contract with the County. A police officer must accompany the prisoner in the ambulance. The officer must arrange for their return transportation
- Police, paramedics or an ambulance must transport adults who are under the influence of PCP and exhibit violent behavior to a local hospital. A continuation of unruly and violent behavior at the hospital shall require transport to the LASD Main Central Jail by LBPD personnel

## **6.5.6 HANDLING OF VIOLENT, ON PHENCYCLIDINE (PCP) PRISONERS**

The majority of persons arrested for being under the influence of PCP are controllable. The violent offender, however, presents a danger to himself/herself as well as those he/she may come in contact with.

All adults under the influence of PCP who are acting in an unruly and violent manner shall be medically treated at a local hospital and once cleared, shall be booked directly into either the Los Angeles Sheriff's Department (LASD) Main Central Jail, or Sybil Brand Institute for Women. Juveniles shall be taken to Unit 3 at USC Medical Center. All prisoners taken to these facilities must meet the unruly and violent criteria. If the prisoner does not appear to have all the classic symptoms of PCP ingestion as described in Training Bulletin #89, he/she shall have a medical examination from the nearest medical facility prior to transportation. Arresting officers must have the approval of a field supervisor prior to transporting a prisoner to any of these facilities.

### **Notification**

In the case of an adult, the field supervisor will notify the Communications Center and the Communications Supervisor will notify the appropriate jail with an estimated time of arrival. The LASD Main jail telephone number is (213) 974-4921; the Sybil Brand telephone number is (213) 267 2611.

When the arrested party is a juvenile, the field supervisor will notify a Youth Services Supervisor who will notify the Probation Intercept Officer on-duty and Unit 3 at USC Medical Center, telephone number (213) 226-5584.

### **Transportation**

Arresting officers shall transport the violent PCP prisoner to the appropriate facility when possible. Paramedics shall transport only in those instances when it is mandatory that the prisoner be completely immobilized by strapping the prisoner to a cot or similar device. Approval for such transportation must be obtained through the Fire Deputy Chief on-call.

#### **6.5.6.1 INJURED PRISONERS UNDER THE INFLUENCE OF PCP**

Any violent, injured adult prisoner under the influence of PCP shall be taken to the USC Medical Center Jail Ward and shall not be taken directly to the County Jail. An injured juvenile, 16 years of age or older, shall be taken to the USC Medical Center Jail Ward. The Communications Supervisor will notify USC Medical Center Jail Ward when an adult is involved. When a juvenile is involved, the Youth Services Section will make the notification.

When the juvenile is 15 years of age or younger, Youth Services will notify the Probation Intercept Officer who will assist in obtaining a court order that will permit the juvenile to be booked at USC Medical Center Jail Ward. If an Intercept Officer is not on-duty, Youth Services will call the Central Juvenile Hall Intercept Officer at telephone number (213) 226-8506 for assistance. The arresting officers and the field supervisor should give every consideration to releasing the juvenile to his/her parents when this is an appropriate disposition. A "Released Not Booked" (RNB) arrest report must be filed if the Juvenile is released to his/her parents.

### **Location of Facilities & Responsibilities**

- Twin Towers – 450 Bauchet Street, Los Angeles
  - North on the Long Beach Freeway to Santa Ana Freeway; North on Vignes Street (Downtown Los Angeles); North to Bauchet Street
- Officers shall drive to the ambulance entrance on the north side of the complex and park as near to the door as possible. They shall enter the premises through the ambulance entrance with the prisoner. Jail personnel shall assume charge of the prisoner at that time. Officers shall stay in the sally port until Jail personnel return their handcuffs or restraints to them. Transporting officers shall complete the required forms prior to returning to Long Beach
- USC Medical Center – 1200 North State Street, Los Angeles, Jail Ward, phone #213 226-4563
  - North on Long Beach Freeway to San Bernardino Freeway; westbound in second lane from right; exit State Street northbound into hospital complex, right turn on Zonal Avenue to Guard house

Officers shall place their handguns inside the gatehouse at the entry gate. Their shotgun shall be firmly locked in its rack within the vehicle. When the gate opens, the officers shall drive to the "Reception" entrance and park as near to the door as possible. Jail Deputies will come to the vehicle and remove the subject. Officers shall accompany the Jail Deputies to the third floor of the facility. The booking information will be completed by the officers in the "Reception" area prior to their return to Long Beach. When the prisoner is a juvenile, the arresting officers must then leave the hospital complex and drive to Central Juvenile Hall at 1605 East Lake Avenue, which is located behind the hospital complex. At Central Juvenile Hall, the officers must complete entrance papers before returning to Long Beach.

### **6.5.7 RE-ARRESTING OF IN-CUSTODY PRISONERS**

#### **POLICY**

Any prisoner who is charged with committing an offense while in-custody shall be rebooked under a new booking number. The prisoner will be charged with the offense committed while in-custody and the additional charge of 653.75 C.P.C.

shall be added to indicate an in-custody arrest. In addition, all warrant and non-warrant charges will be transferred to the new booking number as added charges.

### **Booking Employee Responsibility**

The new booking form set shall be stamped "Re-Booking" with the original booking number and arrest package number cross-referenced on each page of the booking form set.

Any warrant abstract added to the new booking form set will have the original booking number lined out with a single line and the new booking number written in above it. Copies of these changes will be forwarded to the Warrant Detail.

### **Filing Officer Responsibilities**

- File a supplemental report to the original arrest package cross-referencing all booking numbers and arrest package numbers.
- Ensure the Investigator's blue copy of the booking form set is immediately placed in the in-box of the Detail handling the original booking, located in the Information Management Division.

### **Senior Records Clerk Responsibility**

- Ensure rebooking entries are entered into RMS and all cross-references are made between the original and new arrest package numbers and booking numbers.
- Ensure fingerprint cards are sent to the Department of Justice (D.O.J.), if necessary.

### **Bailiff Responsibility**

Bailiff personnel will ensure only the new booking number appears on all remands, release papers, and commitments.

### **Investigating Detail Responsibility**

Two copies of the new booking sheet will be provided to the Detective Bureau: one copy to the Detail handling the original case and one copy to the Detail handling the new case. It will be the responsibility of the Detail Sergeants to determine which Detail will handle and file both cases.

## **6.5.8 BAIL DEVIATION**

If a determination has been made to increase, decrease, or eliminate the need for the posting of bail, the Los Angeles Superior Court, Pre-trial Services Unit, has recommended the following procedures.

- To initiate a bail deviation, complete a “Request for Bail Deviation From Felony Bail Schedule”, PD Form 4102.010 (8/79)
- Telephone Pre-trial Services Unit, at (213) 974-5821, or the District Attorney’s Command Post (24-hours), at (213) 974-3607
- Inform the representative of your requirement, bail increase, bail decrease, or the need to eliminate bail. Be prepared to provide the following information:
  - Name of suspect
  - Booking number
  - Charges
  - Specific reasons for the Request of Bail Deviation

After Pretrial Service has received authorization from the Commissioner for a bail deviation, they will generate a Notice of Bail Deviation by Teletype to the Department. This is the officer’s authorization from the Judge/Commissioner that the request is granted and will record the name of the Judge/Commissioner granting the request on the Request for Bail Deviation from Felony Bail Schedule.

## **Procedure**

### **Felony & Misdemeanor Suspect**

The original Teletype authorizing bail deviation and the original Bail Deviation form will remain with the Booking Supervisor.

A copy of the Teletype authorizing bail deviation and a copy of the Bail Deviation form will be included with the arrest report.

A copy of the Teletype authorizing bail deviation and the Bail Deviation form will be placed in the suspect’s property.

### **Booking Supervisor**

Upon receipt of the Teletype authorizing bail deviation, notification shall be given to personnel assigned at the Information Desk and Jail Division.

The Teletype authorizing bail deviation and the Bail Deviation form will be routed in the same manner as a bail bond.

### **Detectives**

Upon receiving a case package, including the Notice of Bail Deviation, be sure that each package of report copies includes a copy of the record of bail deviation. The record of bail deviation includes a copy of PD Form 4102.010 (8/79) and a copy of the related Teletype.

It is important that all report packages delivered to the District Attorney or the City Prosecutor include a complete record of bail deviation.

### **Watch Commander**

As provided in Section 810 PC, an incarcerated person has the right to request bail deviation.

Upon receipt of a request for bail deviation made through the court system, a court appointed Bail Deviation Officer would contact the watch commander.

### **6.5.9 CERTIFICATE OF RELEASE**

TO comply with the requirements of California Penal Code Section 851.6 entitled, "RELEASED AFTER ARREST WITHOUT A WARRANT CERTIFICATE AS DETENTION WHEN NO FORMAL CHARGE IS MADE," the following procedures shall be followed:

- When an individual is ARRESTED and BOOKED by a member of this Department, and is later released with no criminal charges filed, in compliance with 849(b)(1) or 849(b)(3) of the California Penal Code, he/she SHALL be issued a "Certificate of Release Form: (PD Form 3000.006)
- The detective assigned to the case shall complete the Certificate of Release Form, sign the form, and personally deliver it to Booking Desk personnel. The detective will then complete the Booking Desk procedure authorizing the individual's release
- Booking Desk personnel shall place the Certificate of Release Form in the prisoner's property envelope and deliver the form to the subject along with his/her property
- The detective's follow-up report shall contain the following statement in the narrative: "Certificate of Release issued"
- When an individual is ARRESTED and is RELEASED, NOT BOOKED, and demands a Certificate of Release Form (PD Form 300.06), the form shall be issued by the Arresting Officer
- The Arresting Officer shall complete the Certificate of Release Form, sign it and give it to the subject
- The Arrest and RNB Information Form shall include the following statement in the narrative: "Certificate of Release issued"

### **6.5.10 IN-CUSTODY RELEASE/WRITTEN PROMISE TO APPEAR CITATIONS/OWN RECOGNIZANCE (OR) RELEASE**

Arresting officer will check the applicable space on the 853.6 PC compliance section of the "Arrest/RNB Information Form" (PD Form 4102.013).

The booking sergeant will assure the appropriate space is checked on the 853.6 PC compliance section of the Arrest/RNB Information Form.

Jail personnel will advise the prisoner of the possibility of a citation release. If qualified, the prisoner will sign a written promise to appear prior to being released. The jailer will assist the arrestee in the completion of the citation release information on the Bailiff/Detail copy. The prisoner will be fingerprinted and photographed consistent with other prisoners. Upon completion, the information will be sent to the Records Division with the completed Records Division copy and the fingerprint cards.

### **Records Division Responsibilities**

Records Division personnel responsible for making the identification will forward the Citation Release form to the jail supervisor with the following: a copy of the arrestee's blue arrest face sheet, a list of any prior arrests, and the release card. If the arrestee has no local record, a notation will be made on the Citation Release Information form.

### **Jail Supervisor Responsibilities**

The jail supervisor **SHALL** review the Citation Release form, arrest information and the arrestee's prior arrest record. If the individual is eligible, considering criteria, and receives five points from the point system scale sheet, the jail supervisor shall authorize the Citation Release. The authorized release card will be forwarded to the Booking Desk for routine release processing, with an approval noted on the Bailiff/Detail copy. It should be noted that when housing space in the jail becomes critical, certain criteria may be waived and the release policy liberalized with the approval of the jail supervisor. Reasonable effort should be made to validate any citation release information furnished by the arrestee.

Citation Release Criteria: Release will not be executed if one or more of the following conditions exist:

- The safety of the arrestee or others may be jeopardized by the release, where the arrestee may return, or there is reasonable likelihood that the cause of the arrest or offense will continue or resume. This includes offenses such as 11550(a)&(b) H&S, Under the influence of an Opiate or PCP; 647(B) PC, soliciting for prostitution; and 647 (A) PC, Lewd Acts; 273.6 Domestic Violence; violation of orders, and any Domestic Violence case where the victim is injured
- If evidence indicates that the arrestee, if released, will commit any offense causing injury to persons or damage to property
- If the arrestee fails to properly identify himself/herself
- If the arrestee refuses to sign the Promise to Appear
- If the arrestee is unable to care for his/her safety or the safety of others by virtue of intoxication or other conditions (release as soon as conditions permit)



- If the arrestee demands to be immediately taken before a magistrate
- If a reasonable likelihood exists that the arrestee will fail to appear in court as promised
- When the arrestee is charged with a violation of Section 23152 (Driving Under the Influence of Alcohol) or 23153 (Combination of Alcohol and Drugs) of the California Vehicle Code. The arrestee may be released when he/she has regained sobriety
- When the arrest is for a warrant
- When the arrestee does not attain a minimum point score of five from the point system scale sheet
- When the prosecution of the offense or offenses for which the person was arrested, or the prosecution of any other offenses would be jeopardized by immediate release of the person

**Disqualified Applicants**

In the event that the arrestee does not qualify for release, the watch commander will note the denial on the Release Card and forward it to the Booking Desk through normal channels. The watch commander will also note the denial, and a brief statement as to the reason, on the Bailiff/Detail copy, which will be forwarded to the Records Division where it will be filed in the arrestee’s Departmental Record folder.

**Jail Personnel Citation Duties**

- When the Citation Release card arrives in jail, the jail officer will advise the arrestee that they have been approved for a Citation Release and that they are to sign a “Citation Release and Promise to Appear in Court”, PD form 2310.007
- If the arrestee desires to be released on a Citation Release, the jail officer will complete the form according to the current Bail/Appearance schedule. The jail officer will complete the form according to the current Bail/Appearance schedule. The jail officer will then witness the arrestee’s signature as a promise to appear
- The jail officer will give the arrestee a copy and forward the Record’s copy and court copy to the Records Division
- The arrestee will be released following routine release procedures
- Military arrestees are eligible to the military authorities upon release

**6.5.10.1 CITATION RELEASE GRADING SHEET**

Length of time resided at present address:

- Over one year 3 points
- Over six months 2 points
- Four to six months 1 points

Length of time resided in the State (Award only of no point given for established residence)

- Over one year 1 point

Length of time employed by present employer

- Current job over one year 3 points
- Current job over six months 2 points
- Current job three to six months or supported by family 1 point

Marital Status

- Married 2 points
- Divorced or single 1 point
- Separated 0 points

Dependents

- Two or more children under 18 years 2 points
- One child under 18 years 1 point

Prior arrests

- No previous arrest 2 points
- One misdemeanor arrest 0 points
- Two misdemeanor or one felony -1 point
- Three misdemeanor or 2 felony -2 points
- Four misdemeanor or 3 felony -3 points

A total of five points are required for release.

**6.5.11 PRISONER COST RECOVERY PROGRAM**

Implementation of the Prisoner Cost Recovery Program will allow the Department to assess a fee to individuals participating in the Court Commitment – Community Service Program. Under the program, individuals sentenced by the Long Beach Municipal Court for driving under the influence and public intoxication, will provide custodial and maintenance functions for the Department including Civic Center grounds maintenance and detailing of police vehicles. Females assigned to this program will be confined to the Women’s Jail and will perform maintenance and domestic assignments. Individuals who cannot perform manual labor will not be accepted into the program. Security Officers assigned to the Fleet Services function will supervise participants.

**General Policy**

The Administration Bureau of the Department shall be responsible for administering the Prisoner Cost Recovery Program as specified herein.

**Program Guidelines**

Weekenders will initially report to the lobby business desk and pay the appropriate assessment fee by cash or money order. The fee to cover the commitment will be paid in advance of each weekend or day to be served. The individual will be given two copies of his/her receipt. The individual is then authorized to proceed to the basement booking desk for processing and fingerprinting of all Weekender/Community Service participants. Processing into the weekender program will not begin until after the number of days to be served is confirmed with the number of days paid.

One receipt will be given to and maintained by Jail/Booking and the sentenced individual will retain the second receipt.

Weekenders will report for work at the booking desk at 0500 hours each morning and will be checked out at 1700 hours.

The parking lot Security Officer will supervise the work detail of all male weekenders.

Female weekenders will work on the 4th floor under the direct supervision of the female Security Officer in-duty in the Women's Jail.

New weekenders will be booked into the computer system on their initial weekend. On that weekend, the Records Division will provide a photograph of the weekender to be attached to the attendance sheet. The weekender's name, booking number, payment receipt, beginning and ending dates of commitment and case number will be written on the attendance sheet. Booking desk personnel will complete this.

The weekender will sign his/her name on the first line of the attendance roster and will place a right thumbprint to the right of their name. The Booking Desk Security Officer will sign under the weekender's signature and time stamp the roster to the right of the thumbprint. This roster will be maintained at the booking desk.

At the close of each day, the parking lot Security Officer will return the weekender to the booking desk to be released. The weekender will again sign after "out", affix his/her right thumbprint and the Booking Desk Security Officer will sign below. The roster is time-stamped by the Booking Desk Security Officer who will maintain the roster in a file. This file will be kept at the Booking Supervisor's desk.

The commitment from the court and the original booking slip will be maintained with the weekender attendance roster at the booking desk.

At the completion of the sentence, the computer will be updated and all rosters will be given to the Records Division for filing.

**Jail Watch I Supervisor will be responsible for the following:**

- Booking clerks will book into the computer system every new weekender and fill out the weekender attendance roster. Complete the handwritten log of the weekend commitment (name, booking number, Departmental Record (DR) number, starting date, ending date, receipt and amount paid)
- A Booking Desk Security Officer will fingerprint all weekenders as follows:
- Flats (flat hand and fingerprints) on the back of the blue printout sheet (first day only)
- Print and time stamp the weekender attendance roster (daily)
- Processed male weekenders shall line up in the booking tunnel along the south wall; Female weekenders go directly to the 4th floor
- Notify parking lot Security Officer when weekenders have been processed and are ready for work. The parking lot Security Officer will assume control of male weekenders. If needed, the parking lot Security Officer will supervise the lineup of male weekenders in the booking tunnel
- If a weekender fails to appear for a weekend, it will be the responsibility of the watch I Booking Desk Supervisor to prepare a "No-Show Weekender Form" and notify the Court via the Court Affairs Office. The attendance roster will be delivered to the Records Division for filing

**Watch II Jail Supervisor will be responsible for the following:**

- Attaining additional fingerprints or photographs of the weekender, if requested. Fingerprints and photographs will be prepared by 4th or 6th floor personnel
- If the attendance roster does not have a photograph of the weekender, one shall be secured from the Records Division and attached to the roster

**Watch III Supervisor will be responsible for the following:**

- Booking Desk Security Officer will checkout all weekenders
- Print and time stamp the weekender attendance roster
- Place the attendance roster into the weekender file to be kept at the Booking Supervisor's desk until completion of the sentence or failure to serve the commitment
- At the completion of the sentence, the computer will be updated by Watch III Booking Clerks and all weekender paperwork will be forwarded to the Records Division for filing

**Records Division Procedures**

Booking personnel will be responsible for ensuring that Records Division receives the paperwork (blue booking sheet, attendance sheet and Court commitment) on all first day weekenders.

The Records Division supervisor will assign a clerk to run each subject on the PSIS, PHI computers and 3x5 card index file to obtain a Department Record (DR) number and/or Main number.

If the weekender has a Department Record Number:

- Pull DR and insert a red “out” card with a 3x5 card stating “weekender” and date
- Records Division Supervisor or Fingerprint Classifier will verify fingerprints
- Records Division personnel will run a warrant check on all AKA’s typed on the front of the DR jacket. If warrants are found, the Booking Sergeant will be notified. If warrants are not found, indicate on the front of the blue sheet “No Wants/Warrants, date and last name of the employee who ran warrant check. If warrants are found, indicate on the front of the blue sheet, Booking Sergeant notified, date and last name of employee
- Photograph mug will be stapled to the attendance roster
- Write the DR # on the attendance roster
- If subject does not have a Main number, request one local fingerprint card. Fingerprint classifiers will issue a main number. Then file in the “weekender” box
- If subject has a DR# and a Main #, file in “weekender” box in DR# order
- A copy of the blue face sheet stating how many weekends to be served will be placed in the DR and original paperwork will be returned to Booking
- Do not type on Booking Control Log unless Main # is issued
- A conversion sheet will be forwarded to Police Systems. Highlight LBWE in the jail location box and paperclip all conversion together with a note “weekenders”

**If a weekender requires a full fingerprint work up:**

- Booking will be notified that subject requires a full fingerprint work-up and what fingerprint cards are necessary
- Copy both sides of the blue booking sheet and attach to the fingerprint cards when received. A second copy of the blue booking sheet will be made for conversion
- Original paperwork will be returned to Booking
- The fingerprint classifier will class and search the prints and, if necessary, issue a new DR# and/or Main number
- A conversion sheet will be turned into Police Systems by the fingerprint classifier. Highlight “LBWE” in the jail location box and paperclip all conversions together with a note “weekenders”
- Department Records for workers will go to the DR desk for processing and then are filed in the “weekender” box
- Put on Booking Control Log if new DR# and/or Main number
- Release cards are not required on any weekender.
- NO show up is required on weekenders.
- “Time Served” paperwork:
- Paperwork is brought to the Records Division by booking desk personnel and put in “weekender” box to be processed
- Fingerprint classifier pulls Department Record from “weekender” box, identifies prints and turns a conversion into the Police Systems Section. The conversion

will indicate number of weekends to be served, time served and date of entry by the Police Systems Section in free field

- Example: Sent 2 WE/Time Served 8-23-87
- “No Show” paperwork:
- When “No show” paper work is brought to the Records Division, it will be verified to confirm the Court commitment is not the original, but a legible copy. The original commitment should be forwarded to Booking for them to return to Court

Police Systems will convert the booking numbers with fingerprints and enter note in free field.

Example: Sent 4 WE/No Show – date

Records Division will not keep “No show” paperwork on subjects unless there are fingerprints and a blue sheet with booking number.

If the DR has not be converted, it will be forwarded to Police Systems for conversion.

If the DR has been converted, it will be put in “Ready to File” cart by the DR desk.

### **Fee Deposit**

The Budget Section will collect the weekender fees each Monday morning or the next available business day. The fees collected will be reconciled with the other cash deposit transactions made at the Business Desk and deposited with the City Treasurer.

## **6.5.12 SUPERVISION OF INMATE WORKERS**

### **POLICY**

Sentenced inmate workers participate in the “trusty” program, which is considered an alternative sentencing option for the Long Beach Court. It is a minimum security-type operation and considered a privilege to serve “city time”. In this program, sentenced inmate workers assist with jail operations by performing janitorial, food preparation duties, and other tasks throughout the Department such as painting, light maintenance, and moving furniture. Sentenced inmate workers are sometimes referred to as “trusties”, but should be regarded as prisoners who need direct supervision.

### **PROCEDURE**

Department employees shall adhere to the following guidelines when utilizing sentenced inmate worker services:

- For inmate availability, call the Jail Supervisor at extension 87267.
- Report to the Jail to pick up an inmate. The inmate must be signed for, noting the location and work the inmate will be performing and wear an orange vest as identification.
- The inmate shall be under the direct supervision of an employee at all times while performing the designated task.
- When the task is completed, an employee shall escort the inmate worker back to the Jail. The inmate must be signed-in upon return.

Employees should treat sentenced inmate workers with the appropriate courtesy and respect. However, since inmate workers have access throughout the building, this creates several security concerns. When a problem or situation exists, an employee should question the inmate worker. If there are any doubts about a situation, report the problem to the Jail Supervisor at extension 87267. A Jail Supervisor is on-duty at all times and will help with any problems.

### **Community Service Workers/Weekenders**

The Department also utilizes community service workers and weekenders to perform work. Community service workers and weekenders are supervised by gas pump Security Officers, not the Jail Division. If a problem occurs with these workers, contact Fleet Operations at extension 87448, or during the weekend contact the gas pump at extension 87433.

#### **6.5.13 BAIL FUGITIVE RECOVERY AGENTS**

Revised April 14, 2015

The Support Bureau will have audit responsibility

A bail fugitive recovery agent is a person who is provided written authorization pursuant to California Penal Code Sections [1300](#) and [1301](#) by the bail or depositor of bail, and is contracted to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department, and any person who is employed to assist a bail or depositor of bail to investigate, surveil, locate, and arrest a bail fugitive for surrender to the appropriate court, jail, or police department (California Penal Code Section [1299.01\(d\)](#)).

Bail fugitive recovery agents may attempt to book a fugitive at the Long Beach Police Department. They often wear uniforms similar to police officers with vests, and badges, and appear to be official government law enforcement officers.

Bail fugitive recovery agents are private citizens and should not be allowed into the booking tunnel ([6.5.2 BOOKING AREA & TUNNEL SECURITY](#)), or the Public Safety Building (PSB), beyond the business desk. If the agent has business in the PSB, they must be escorted into and out of the building.



**6.5.13.1 COMMUNICATIONS SECTION RESPONSIBILITIES**

Revised April 14, 2015

Bail fugitive recovery agents may call the Communications Center identifying themselves as an “agent” with an in-custody warrant suspect, and inquire where to take their prisoner. The Communications Center employee taking the call should ask the caller their agency affiliation. Agents from an official government law enforcement agency i.e. Parole, ATF, etc., should be directed to the booking tunnel. Bail fugitive recovery agents, however, shall be directed to the PSB business desk.

**6.5.13.2 BUSINESS DESK RESPONSIBILITIES**

Revised April 14, 2015

When a bail fugitive recovery agent brings in a prisoner to the PSB business desk, business desk employees must verify that the warrant is a Long Beach Police Department warrant. Not all warrants issued in the Long Beach Court are from the Long Beach Police Department, there are many agencies that file criminal cases in the Long Beach Court. If the warrant is not a Long Beach Police Department warrant, but a warrant issued in Los Angeles County direct the bail fugitive recovery agent to the Los Angeles County Men’s Central Jail or the Women’s CRDF facility. For a warrant issued in another county, refer them to the originating agency.

If the warrant is a Long Beach Police Department warrant, call for a patrol officer to respond to the business desk to take custody of the prisoner. Do not allow the bail fugitive recovery agent to bring their prisoner to booking or to enter the PSB beyond the secure area of the business desk.

**6.5.13.3 PATROL OFFICER RESPONSIBILITIES**

Revised April 14, 2015

When requested to respond to the business desk for a warrant arrest prisoner, ensure the warrant is a Long Beach Police Department warrant before taking custody of the prisoner. If the warrant is not an LBPD warrant, refer the bail fugitive recovery agent to the proper agency or the Sheriff’s Department.

If the prisoner has a Long Beach Police Department warrant, take custody of the prisoner and complete the booking process. Do not allow the bail fugitive recovery agent to accompany you into the PSB or booking area. If the agent wants a copy of the booking paperwork for proof of arrest, have them provide their contact information and the booking clerk will provide them with a copy of the booking form after completing the booking process.

**6.5.13.4 BOOKING SECTION RESPONSIBILITIES**

Revised April 14, 2015

Under no circumstances will bail fugitive recovery agents be allowed to drive into the booking tunnel, or bring their prisoner into the tunnel or booking area. They shall be directed to the business desk.

The booking clerk will examine the warrant to determine if it is valid and in the warrant system. If not, the prisoner will be released, and not booked. If the warrant is valid, the booking sergeant will determine if our Department will accept the prisoner for booking or issue a citation.

#### **6.5.14 HOSPITALIZATION OF INMATES**

Revised October 20, 2015

The Investigations Bureau will have audit responsibility.

Medical issues may cause an inmate to have an extended stay at a hospital, requiring a police officer or armed security services officer (SSO) to guard the individual.

When an inmate is transported to a local hospital for treatment, or a person is arrested and taken directly to a hospital for treatment, an officer will remain with the inmate until they are transported to the station and released to the custody of the Jail Division.

Any arrestee who is transported to a local hospital, falls under the same guidelines as if they were in custody within the Jail Division. The hospital room where the arrestee is housed, is an extension of the jail and should be considered a jail cell.

The arrestee shall remain handcuffed and/or in leg restraints to ensure he or she does not escape. Restraints should only be removed if deemed medically necessary and should be re-applied as soon as medically allowed. Handcuffs and leg restraints can be obtained from the Jail Division for long term hospitalizations.

For security reasons, arrestees and inmates are logged into the hospital records under an assumed name. The room number and the fact the subject is in the hospital are not public record. Officers guarding an inmate shall not disclose the location of the inmate to anyone other than department employees, nor should they broadcast it over the radio.

##### **6.5.14.1 PHONE CALLS & VIDEO CONFERENCING**

Revised October 20, 2015

The phone within the hospital room should be unplugged at all times or kept out of reach of the inmate to ensure he or she is not receiving or making calls.

Inmates at a hospital, once they are medically able, will be allowed to make three local outgoing telephone or video calls daily, not to exceed five minutes each per [CPC § 851.5](#). Incoming calls are not allowed.

An officer guarding an inmate shall dial the telephone number or place the video call for the inmate. The officer shall record the number or internet contact information and file a follow-up report documenting this information. In all cases, every attempt should be made to record the telephone or video call, unless the inmate is speaking to his or her attorney, clergy, or a doctor, which are all privileged communications. If the call is going to be recorded, the arrestee and person called shall be notified that the call is being recorded.

Prior to a phone or video call, notify the arrestee that he or she is not allowed to provide information relative to their hospital room number or which floor they are housed within the hospital.

Video conferencing may be allowed if the following criteria are met:

- 1) The hospital provides authorization to ensure the computer equipment will not interfere with any medical equipment;
- 2) The requesting party can provide the necessary computer equipment;
- 3) The requesting party can provide internet access.

#### **6.5.14.2 ATTORNEY VISIT REQUESTS**

Revised October 20, 2015

[California Penal Code § 825\(b\)](#) states that after an arrest, an attorney may, at the request of the prisoner, or any relative of the prisoner, visit the prisoner. Any person who refuses or neglects to allow the visit is guilty of a misdemeanor. Attorney visitation is for licensed attorneys only, not representatives, investigators, experts, or family members. No one other than the attorney will be allowed to visit unless authorized by the Investigations Bureau. If attorney visitation is to occur, refer to, and follow, section [6.5.14.3 AUTHORIZED VISITS](#).

Prior to authorizing a visit, the handling detective will ensure a representation letter has been received from the attorney showing they represent the arrestee.

An attorney who asks to visit their client shall not automatically be given such approval for a visit. Officers who are contacted by an inmate's attorney will do the following prior to allowing a visit:

- 1) Contact the handling detective(s) to determine if they are involved in any investigative procedures with the inmate. If the handling detective is unavailable, check with his or her chain of command. If investigative procedures are underway, such as an interview, notify the attorney of the delay. Investigative procedures may not unduly delay the attorney's visit, however, detectives are not required to stop an interview to allow the visit to commence.
- 2) Ensure there are no medical procedures being conducted or scheduled during the time the attorney wants to visit so as not to interfere with medical care.

- 3) Visits should occur during hospital visiting hours. If outside of visiting hours, the attorney must obtain approval from the hospital in addition to obtaining approval from the handling detective. Once initial approval is given, the attorney may visit again without detective approval unless otherwise specified.

### 6.5.14.3 AUTHORIZED VISITS

Revised October 20, 2015

If a visit is authorized for a family member, attorney, or clergy the rules listed below shall be explained to the individual(s) prior to the visit. The length of a visit and how often a visit will occur will be determined by Investigations Bureau personnel. Visitation by an attorney, family or clergy member is governed by the [California Code of Regulations, Title 15, Subchapter 2, Article 7](#).

#### A) Attorneys

- 1) Must present a valid Bar Association card from the state in which he or she is licensed to practice;
- 2) Must submit to a pat-down frisk search and a search of their briefcase, bag, and any other containers in their possession; the scope of the search is for weapons and/or contraband only;
- 3) May not record or photograph due to privacy concerns within the hospital
- 4) May bring in a pad of paper and pen to write notes;
- 5) May not give their client anything to keep, such as notes or other items, with the exception of a business card;
- 6) The officer guarding the inmate will remain in the room during the attorney visit, but may not record, document or monitor the conversation.
  - a) The officer may not discuss any conversation that was overheard with anyone, unless there is discussion of the commission of a future crime, in which case the visit will be immediately terminated and the Watch Commander notified.

#### B) Family or Clergy Members

- 1) Must be escorted by designated officer at all times;
- 2) Visitations can be terminated at any time;
- 3) Visits by family or clergy may be permitted only when the attending physician has determined that the inmate is likely to die as a result of his or her condition;
- 4) Visits by family or clergy may be permitted if there are no security concerns precluding such a visit;
- 5) Visits must be approved by a Command Officer or Lieutenant within the Investigations Bureau;
- 6) No more than two visitors will be allowed at a time;
  - a) Must possess current Government identification;
  - b) Must provide name of visitor in advance;
  - c) May not be a convicted felon;

- d) No Long Beach Police Department arrests within last 6 months ;
- e) Must submit to a pat-down frisk search, and a search of their briefcase, bag, and any other containers in their possession; the scope of the search is for weapons and/or contraband only;
- 7) May not discuss current case;
- 8) May not pass notes or other items;
- 9) No electronic devices are permitted to be used in the room.

#### **6.5.14.4 DISRUPTIVE BEHAVIOR DURING VISITS**

Revised October 20, 2015

Disruptions at the hospital involving visitors, will result in the immediate termination of the visit. If a visitor is asked to leave, or returns without authorization, they must be informed to leave immediately or they are subject to arrest for trespassing, assuming the hospital will sign a private person's arrest. If the hospital does not wish to be a victim of a crime and probable cause exists, consider arresting for obstruction of justice, [CPC §148](#), or disturbing the peace, [CPC §415](#).

#### **6.5.15 PRISON RAPE ELIMINATION (PREA)**

Revised January 26, 2016

The Support Bureau will have audit responsibility.

##### **6.5.15.1 PURPOSE AND SCOPE**

Revised January 26, 2016

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in the LBPJ Jail (28 CFR 115.111).

##### **A) Definitions**

- 1) Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).
- 2) Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:
  - a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
  - b) Contact between the mouth and the penis, vulva or anus.
  - c) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument.
  - d) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the

buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6).

Sexual abuse, as defined in 28 CFR 115.6, includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:

- a) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
  - b) Contact between the mouth and the penis, vulva or anus.
  - c) Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
  - d) Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
  - e) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire.
  - f) Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above.
  - g) Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident.
  - h) Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6).
- 3) Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).
  - 4) Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

#### **6.5.15.2 POLICY**

Revised January 26, 2016

The Long Beach Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Long Beach Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

### **6.5.15.3 PREA COORDINATOR**

Revised January 26, 2016

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the LBPJ Jail (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

- 1) Developing and maintaining procedures to comply with the PREA Rule.
- 2) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
- 3) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.
- 4) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).
- 5) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).
- 6) Ensuring a protocol is developed for investigating allegations of sexual abuse in the LBPJ Jail. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
  - a) Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
  - b) A process to ensure a criminal or administrative investigation is



- completed on all allegations of sexual abuse or sexual harassment.
- c) A process to document all referrals to other law enforcement agencies.
  - d) Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
  - e) In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.
- 7) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).
- a) The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.
- 8) Publishing on the department's website:
- a) Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).
  - b) A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).
- 9) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).
- a) The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

- b) The data shall be aggregated at least annually.
- 10) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all LBPJ Jail facilities used to house detainees or prisoners overnight (28 CFR 115.193).
- 11) Ensuring contractors or others who work in the LBPJ Jail are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

#### **6.5.15.4 REPORTING SEXUAL ABUSE AND HARASSMENT**

Revised January 26, 2016

Detainees or prisoners may make reports verbally, or in writing, privately or anonymously of any of the following (28 CFR 115.151):

- 1) Sexual abuse;
- 2) Sexual harassment;
- 3) Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment;
- 4) Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment.

During intake, the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

#### **A) Employee Responsibilities**

Department employees shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151). All employees shall report immediately to the Jail Supervisor any knowledge, suspicion or information regarding:

- 1) An incident of sexual abuse or sexual harassment that occurs in the LBPJ Jail.
- 2) Retaliation against detainees or the member who reports any such incident.
- 3) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation

decisions.

### **B) Jail Supervisor Responsibilities**

The Jail Supervisor shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Jail Supervisor shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Jail Supervisor shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Jail Supervisor shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the LBPJ Jail to another jail, prison or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

The Jail Supervisor will ensure that the Watch Commander is notified regarding allegations of sexual assault, harassment, retaliation, neglect or violations leading to sexual assault, harassment or retaliation occurring within the LBPJ Jail.

### **6.5.15.5 INVESTIGATIONS**

Revised January 26, 2016

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

LBPJ Manual sections 6.1.5 Sexual Assault – Media Policy, 8.1.9 Domestic Violence/Sexual Assault Resources Form, 8.1.15 Sexual Assault Response Team (SART), 8.1.16, Rape Evidence and Training Bulletins 78 *Sex Crime Reports Part I*, 79 *Sex Crime Reports Part II*, 156 *Rape Investigation Part I*, 157 *Rape Investigation Part II*, 188 *Rape, Understanding Motivations – An Aid in Investigations*, comply with all the requirements identified in the following sections:

- 28 CFR 115.164
- 28 CFR 115.171
- 28 CFR 115.171(e)
- 28 CFR 115.172

- 28 CFR 115.176
- 28 CFR 115.177
- 28 CFR 115.178
- 28 CFR 115.182

#### **6.5.15.6 RETALIATION PROHIBITED**

Revised January 26, 2016

All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Jail Administrator or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Jail Administrator or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

#### **6.5.15.7 REVIEWS AND AUDITS**

Revised January 26, 2016

##### **A) Incident Reviews**

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
- (4) Assess the adequacy of staffing levels in that area during different shifts.
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### **B) Data Reviews**

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

- 1) Identification of any potential problem areas.
- 2) Identification of any corrective actions taken.
- 3) Recommendations for any additional corrective actions.
- 4) A comparison of the current year's data and corrective actions with those from prior years.
- 5) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the LBPJ Jail. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Long Beach Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### **6.5.15.8 RECORDS**

Revised January 26, 2016

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

#### **6.5.15.9 TRAINING**

Revised January 26, 2016

All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility.

The Training Division Commander shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- 1) The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- 2) The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
- 3) The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- 4) Detecting and responding to signs of threatened and actual abuse.
- 5) Communicating effectively and professionally with all detainees and prisoners.
- 6) Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

All sexual abuse investigators receive sexual abuse investigations training that complies with 28 CFR 115.134.

The Communications and Training Division Commander shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.