

Chapter	11
Section	11.02
Title	Arrests, Detentions and Bookings
Subject	CAL-ID
Effective Date	04/03/1995
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. POLICY

It is the policy of this department that all suitable latent prints be submitted to the Sheriff's Department for processing through the CAL ID system.

II. PROCEDURE

It is important that the latent prints we lift from crime scenes are run through the CAL ID database so that the prints we are lifting are being compared against the suspects that we arrest, as well as prints from all other agencies contributing to the CAL ID database.

- A. Whenever you collect latent prints as evidence, you will need to complete two forms that are required for processing through CAL ID. The procedure will be as follows:
1. Place the latent print cards into a manila envelope. Seal the envelope and attach an Upland PD barcode label to that envelope.
 2. Place that envelope into a white envelope labeled "San Bernardino County Sheriff's Department Latent Print File." Complete all of the appropriate fields on the front of this envelope. DO NOT PLACE AN UPLAND PD BARCODE LABEL ON THIS ENVELOPE. Evidence personnel will place a SBSB barcode label on this envelope in the rectangle that says "barcode".
 3. Complete the pink general request form (NCR paper in triplicate). All three copies of this form should be placed into the evidence locker with the white envelope. A photocopy of the form must be attached to the original report.
 4. Submit the latent prints into evidence according to normal procedure.

Chapter	11
Section	11.03
Title	Arrests, Detentions and Bookings
Subject	Searching Parolees
Effective Date	11/03/1998
Revision Date	06/28/2018
Revised By	Captain John Poole
Authorized By	Chief Douglas P. Millmore

I. POLICY

Officers may search parolees in an effort to discover illegal activity.

II. PURPOSE

To take a more proactive posture toward ensuring that parolees are in compliance with all laws.

III. PROCEDURES

In September 1998, the California Supreme Court ruled that parolees may be searched without so much as even a “reasonable suspicion”. The mere fact that a person is on active parole allows for a police officer to conduct a search. The ruling is accompanied, however, by some very important words of caution.

- A. While parolees are clearly subject to random searches by police officers, they remain constitutionally protected from unreasonable searches. A search may be declared unreasonable if “made too often, or at an unreasonable hour, or if unreasonably prolonged or for other reasons establishing arbitrary or oppressive conduct by the searching officer”. This standard must always be considered while deciding whether or not an intended search is appropriate.
- B. This ruling by the California Supreme Court appears to validate the concept of searching parolees and their homes. It offers local law enforcement further authority to ensure they are not conducting criminal activity and if they are, they will face a greater possibility of being found out. It must be

remembered, however, that all searches contemplated may not be reasonable. Any such search should be postponed to either a more suitable time or until sufficient circumstances exist.

Chapter	11
Section	11.04
Title	Arrests, Detentions and Bookings
Subject	Constitutional Rights (Miranda)
Effective Date	03/01/1998
Revision Date	01/18/2018
Revised By	Lieutenant Clifford Mathews
Authorized By	Chief Douglas P. Millmore

I. POLICY

The Upland Police Department is committed to ensuring that all suspects receive a timely advisement of their Constitutional Rights, as conferred by the U.S. Constitution, and clarified by decisions of the U.S. Supreme Court.

II. PURPOSE

To outline the specific circumstances and conditions which give rise to the necessity to advise suspects of their rights and the manner in which such advisement is to be given.

III. PROCEDURE

- A. Members of this Department shall orally issue the admonition to suspects as outlined in the official Upland Police Department printed card instituted for this purpose. The card may also be used in court to assist the officers with their testimony.
- B. Any suspect 18 years of age or older should not be warned of his rights and a waiver solicited unless the officer intends to elicit incriminating information. Questioning and warning of rights should be deferred when the arresting officer is unfamiliar with the case. Examples: Warrant arrests, or arrests made pursuant to instructions. If a suspect is given his rights and a waiver is obtained, he should be interrogated immediately.

- C. Juveniles aged 16 or 17 must be advised of their rights when taken into custody, and an acknowledgment that the rights were understood obtained. However, a rights waiver should not be solicited unless an interrogation is to follow immediately. Conversely, if a waiver is obtained, the suspect should be interrogated immediately.
- D. Juveniles aged 15 or younger must be advised of their rights when taken into custody, and an acknowledgment that the rights were understood obtained. Prior to a custodial interview, and before the waiver of any Miranda rights, a youth 15 years of age or younger shall consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived (Penal Code 625.6). The juvenile may call an attorney on retainer, one hired by their family, The San Bernardino County Public Defender, or any other attorney. The Public Defender's juvenile office is available during business hours at (909) 387-0569 and after hours at (909) 501-6943.
- E. A suspect, after being warned of his rights, may knowingly and intelligently, waive these rights and agree to answer questions or make a statement. An officer is required to determine that the suspect understands his rights and that an express waiver of each of them was made before interrogation begins. At any time during the interrogation, the suspect may rescind his waiver and any subsequent questioning shall cease. In all cases, however, any officer hearing a volunteered statement made by a suspect in a conversation initiated by the suspect shall include such statements in any subsequent report.
- F. If a continuous questioning period follows the rights admonition, it will not be necessary to repeat the Constitutional Rights to the suspect. However, the suspect must be re-advised of his Rights if there is a substantial time lapse between questioning periods, or the suspect is questioned by officers who were not present when the Rights were explained.
- G. Statements indicating that the officer has complied with the foregoing, that the suspect appeared to be in a condition to understand, and did, in fact, understand the Rights given, and subsequently waived or refused to waive his Rights, must be included in any resulting report. In lieu of copying the entire Rights language in the report, officers may include the following: "Suspect was advised of his Constitutional Rights in accordance with the Departmental Admonition Card." This shall be followed by: "The suspect waived (or refused to waive) his Rights." The words he uttered to waive or refused to waive his Rights should be included in the report.
- H. Admonition:
 - 1. You have the right to remain silent.
 - 2. Anything you say, can and will, be used against you in a court of law.

3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before questioning, if you wish one.

IV. CONSTITUTIONAL RIGHTS

- A. In order to secure a waiver, the following questions must be asked. An affirmative reply must be secured to each question, and the words he utters to waive his Rights should be included in the report.
 1. Do you understand each of these Rights I have explained to you?
 2. Having these Rights in mind, do you wish to talk to us now?

Chapter	11
Section	11.05
Title	Arrests, Detentions and Bookings
Subject	Misdemeanor Arrests and In-House Bookings
Effective Date	03/02/1998
Revision Date	05/02/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

- A. It shall be the policy of this Department for officers to have the option to book (IN-HOUSE) and cite/release misdemeanor arrests with the exception of the following:
1. Juvenile arrests, excepting those cases heard by the Juvenile Traffic Hearing Officer.
 2. Domestic violence incidents where the arrestee poses an immediate threat to the victim.
 3. The arrestee has been arrested for DUI, P.C. 647(f), or H&S 11550 and no responsible party can be located to accept the arrestee.
 4. The arrestee is combative.
 5. A shift supervisor acting upon good counsel directs to not cite release from the Department.
 6. The arrestee refuses to sign a written promise to appear.

II. PURPOSE

- A. To save time, as officers will not be required to transport to the West Valley Detention Center (WVDC) for booking.

III. PROCEDURE

- A. General Misdemeanors
1. The arrestee will be transported to the Upland Police Department Under special circumstances, individuals may be cite released in the field with the approval of a supervisor.
 - a. If the arrestee is cite-released in the field, the officer shall check the "booking required" box. On the back of the violator's copy (pink copy), the officer shall complete item #4 which reads: If "Booking Required" is

checked you must appear for booking on a weekday prior to your court date at: 1499 W. 13th St., Upland, CA between the hours of 8:00 am and 4:00 pm and bring the signed verification to your court appearance. Call (909) 946-7624 for more information.

- b. When an arrestee reports to the police department for booking, and after the booking process has been completed, the officer shall complete the Booking Verification on the back of the pink copy under item #4 which reads: I declare under penalty of perjury under the laws of the State of California that _____ was booked on _____.

Defendant's Name

Date

Officer Serial Number

2. A booking application shall be completed (IN-HOUSE) and the yellow copy given to the booked person.
3. Fingerprint the suspect using Live Scan. Print two (2) F.B.I. fingerprint cards and place the cards in evidence locker A-1.
4. Take one full-face photograph of the arrestee.
5. Issue a citation release for the offense(s) committed. Use the current court calendar for an appropriate appearance date and time.
6. Complete appropriate reports and attach the citation. (DO NOT CHECK THE BOOKING REQUIRED BOX).

B. Misdemeanor Arrest with Bookable Warrant(s)

1. The arrestee will be transported to the Upland Police Department.
2. Fingerprint the arrestee using Live Scan. Print two (2) F.B.I. fingerprint cards (listing misdemeanor charge) and place the cards in evidence locker A-1.
3. Take one, full-face photograph of the arrestee.
4. Issue a citation for the offense(s) committed to the arrestee. Use the current court calendar for an appropriate appearance date and time. (DO NOT CHECK THE BOOKING REQUIRED BOX).
5. A booking application shall be completed listing only the bookable warrant(s).

6. Transport the arrestee to the WVDC and book for the warrant(s) ONLY. Use the same case number.

C. Arrest for DUI

1. Under most circumstances, a DUI will be in-house booked or cite-released at the hospital or other location if special circumstances exist (i.e., illness or injury). If the arrestee is cite-released in the field, the officer shall proceed as outlined in paragraph III, subsection (A)(1) described above. In addition to the procedure outlined for the release of general misdemeanors, the following steps must also be taken:
 - a. A chemical test must be attained.
 - b. A responsible party to whom the arrestee will be released must be contacted. The person accepting the arrestee must complete the cite and release admonishment. Attach a copy of the form of identification used by the person to whom the arrestee was released to in the report. If a responsible party cannot be located, the arrestee is to be booked at the WVDC.
 - c. All felony DUI's must be booked into the WVDC (The law states that three prior convictions in a seven year period coupled with a fourth arrest is a felony. Check the arrestee's driving record/criminal history prior to release).
 - d. Attach the citation and the cite and release admonishment to your completed report. (DO NOT CHECK THE BOOKING REQUIRED BOX).

D. Arrest for HS 11550(a)

1. In addition to the procedure outlined for the release of general misdemeanors, the following steps must also be taken:
 - a. Obtain the appropriate chemical test (i.e., blood).
 - b. A responsible party to whom the arrestee will be released must be contacted. The person accepting the arrestee must complete the cite and release admonishment. Attach a copy of the form of identification used by the person to whom the arrestee was released to in the report. If a responsible party cannot be located, the arrestee is to be booked at the WVDC.

- c. Attach the citation and the cite and release admonishment to your completed report. (DO NOT CHECK THE BOOKING REQUIRED BOX).

E. Arrest for P.C. 647(f)

1. In addition to the procedures outlined for the release of general misdemeanors, the following steps must also be taken:
 - a. Arrestees for P.C.647(f) shall be released to a responsible party per P.C.849(b)(2). Therefore, it will not be necessary to cite, photograph, fingerprint or complete an in-house booking form after arresting a P.C.647(f) subject. No complaint will be filed with the court for P.C. 647(f). Arrestees may be released in the field. Release admonition forms will be required.
 - b. Cedar House will be utilized in the event a responsible party cannot be located. No prosecution will be sought for these arrestees either. Therefore, officers will not cite, photograph, fingerprint or complete an in-house booking form for these persons. The remaining procedures set forth in the amendment to numbered memo #15-95 shall be followed regarding Cedar House placements.
 - c. Officers shall document these above P.C.647(f) arrests with a brief computer generated report in the following format.
 - 1) Name, DOB, FI'ed, released per P.C.849(b)(2).
 - 2) The reason for the F.I. is to provide RMS History for future use in determining if arrestees are repeat offenders.
 - 3) If a responsible party cannot be located and Cedar House has no space available, the arrestee is to be booked into West Valley Detention Center. The normal booking procedure shall be followed.
 - 4) It may become necessary to book and seek prosecution of repeat offenders. Watch Commanders will exercise discretion in these cases.

F. Procedure for optional appearance before a magistrate (CVC 40303)

1. This includes violations for VC 14601, VC 23103, etc. Violators will continue to be cite released in the field (DO NOT CHECK THE BOOKING REQUIRED BOX).

Chapter	11
Section	11.06
Title	Arrests, Detentions and Bookings
Subject	Felony Drunk Driving With Priors
Effective Date	03/01/1988
Revision Date	12/10/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. PURPOSE

The purpose of this policy is to clarify interpretation of the law as it pertains to 23550(a) V.C., and to create uniformity in its application throughout the State of California.

II. POLICY

It is the policy of the Upland Police Department to physically arrest all felony violators as prescribed by law. The Department's enforcement policy with regard to Section 23550(a) V.C. is that persons suspected of violating this Section shall be arrested for 23152(a) V.C. as a felony.

III. PROCEDURE

- A. Officers of this Department will be required to run a driver's license computer check on all DUI offenders before booking. If the computer check indicates three or more prior DUI convictions within ten years, officers are instructed to arrest and book the subject for felony DUI (pursuant to Section 23550(a) V.C.), based upon probable cause that a felony has been committed.
- B. If the driver's license computer system is down, officers will arrest and book these individuals as routine misdemeanor DUI offenders. A complaint will then be filed with the prosecuting attorney for felony violation status after obtaining the individual's DUI conviction record.
- C. Reporting: Officers are directed to document violations of DUI with three or more prior DUI convictions on arrest-related documents such as report forms, booking sheets, etc. in the following manner: 23152/23550(a) V.C., Felony DUI with Priors.

D. This method will clarify the subject has been arrested for felony DUI with the punishment authorized by Section 23550(a) V.C. The purpose of this method of reporting is to ensure the violation is properly documented, and to provide accurate statistical data. The Department has developed class codes to be used in reporting this offense.

Chapter	11
Section	11.07
Title	Arrests, Detentions and Bookings
Subject	Arrest By Private Person
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. POLICY

- A. Officers of the Upland Police Department will receive any person arrested by a private person for a criminal offense when that arrest is lawful, or when there is reasonable cause to believe the arrest is lawful. California Penal Code Section 837 gives a private person the authority to arrest, and Section 847 requires that the arresting party deliver the arrested person to a magistrate or a peace officer. Private persons may arrest another:
1. For a public offense committed or attempted in his presence.
 2. When the person arrested has committed a felony, although not in his presence.
 3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

II. PROCEDURE

- A. Officers receiving a person arrested by a private person shall:
1. Complete the "Upland Police Department Order of Arrest By Private Person" form, and have the arresting party sign it.
 2. Have the arresting party verbally inform the person to be arrested of the intention to arrest, cause of the arrest, and the authority to make it.
 3. Receive the arrested person, in accordance with established policy and procedures.

Chapter	11
Section	11.08
Title	Arrests, Detentions and Bookings
Subject	Line-Up and Identification Procedures
Effective Date	03/01/1988
Revision Date	12/16/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Jeff Mendenhall

I. POLICY

Pre-trial line-ups and techniques of identification have evolved into a most critical state of the prosecution and are subject to close scrutiny during the judicial process. In order to protect the integrity of police investigations by members of the Upland Police Department, a standard procedure regarding line-ups, photographic line-ups, and field line-ups is necessary.

II. LINE-UP PROCEDURES

- A. A line-up is the arrangement of five or more persons for observation by witnesses or victims for the express purpose of identifying or eliminating a particular suspect.
 1. All persons in the line-up shall be of the same sex and race, and similar age, hair style and color, weight and complexion.
 2. All actions and tasks requested of the suspect person in the line-up shall be asked also of the other persons.
 3. Any non-incriminating words may be repeated by the person in the line-up. No person in the line-up shall be made to utter an incriminating statement, which would support his guilt.
 4. Witnesses at the line-up shall be advised of the procedures per the instructions provided by the jail.
 5. During the line-up procedure, witnesses shall be spaced as far apart as practical.
 6. Each person in the line-up shall have a number assigned. Each witness shall be furnished a card on which they may write their name and the number of the person they identified. If no identification is made, that information shall be written on the card by the witness. These cards shall be retained for court purposes.

7. The investigating officer shall maintain records of all those participating in the line-up of all witnesses invited. Front photographs shall be taken of the line-up and those photographs retained as evidence.
8. A suspect in custody has no right to refuse to participate in a line-up. The suspect, upon refusing, shall be informed that such a refusal may be used as evidence against him in a court of law.

III. PHOTOGRAPHIC LINE-UP PROCEDURE

A. A photographic line-up is the display of five or more photographs for observation by witnesses or victims for the express purpose of identifying or eliminating a particular suspect.

1. Prior to conducting the identification procedure, and as close in time to the incident as possible, the eyewitness shall provide the description of the perpetrator of the offense.

2. The investigator conducting the identification procedure shall use blind administration or blinded administration during the identification procedure. The special terms "blind administration," "blinded administration," are defined under PC 859.7(c)

(a) "Blind administration" means the administrator of an eyewitness identification procedure does not know the identity of the suspect.

(b) "Blinded administration" means the administrator of an eyewitness identification procedure may know who the suspect is, but does not know where the suspect, or his or her photo, as applicable, has been placed or positioned in the identification procedure through the use of any of the following:

(1) An automated computer program that prevents the administrator from seeing which photos the eyewitness is viewing until after the identification procedure is completed.

(2) The folder shuffle method, which refers to a system for conducting a photo lineup by placing photographs in folders, randomly numbering the folders, shuffling the folders, and then presenting the folders sequentially so that the administrator cannot see or track which photograph is being presented to the eyewitness until after the procedure is completed.

(3) Any other procedure that achieves neutral administration and prevents the lineup administrator from knowing where the

suspect or his or her photo, as applicable, has been placed or positioned in the identification procedure.

3. The investigator shall state in writing the reason that the presentation of the lineup was not conducted using blind administration, if applicable.
4. An eyewitness shall be instructed of the following, prior to any identification procedure:
 - (a) The perpetrator may or may not be among the persons in the identification procedure.
 - (b) The eyewitness should not feel compelled to make an identification.
 - (c) An identification or failure to make an identification will not end the investigation.
5. An identification procedure shall be composed so that the fillers generally fit the eyewitness' description of the perpetrator. In the case of a photo lineup, the photograph of the person suspected as the perpetrator should, if practicable, resemble his or her appearance at the time of the offense and not unduly stand out.
6. In a photo lineup, writings or information concerning any previous arrest of the person suspected as the perpetrator shall not be visible to the eyewitness.
7. Only one suspected perpetrator shall be included in any identification procedure.
8. All eyewitnesses shall be separated when viewing an identification procedure.
9. Nothing shall be said to the eyewitness that might influence the eyewitness' identification of the person suspected as the perpetrator.
10. If the eyewitness identifies a person he or she believes to be the perpetrator, all of the following shall apply:
 - (a) The investigator shall immediately inquire as to the eyewitness' confidence level in the accuracy of the identification and record in writing, verbatim, what the eyewitness says.
 - (b) Information concerning the identified person shall not be given to the eyewitness prior to obtaining the eyewitness' statement of confidence level and documenting the exact words of the eyewitness.

(c) The officer shall not validate or invalidate the eyewitness' identification.

11. An electronic recording shall be made that includes both audio and visual representations of the identification procedures. Whether it is feasible to make a recording with both audio and visual representations shall be determined on a case-by-case basis. When it is not feasible to make a recording with both audio and visual representations, audio recording may be used. When audio recording without video recording is used, the investigator shall state in writing the reason that video recording was not feasible.
12. The following admonition shall be given from the card provided to witnesses at a photographic line-up:
 - a. You should not conclude or guess that the photographs contain the picture of the person who committed the crime.
 - b. You are not obligated to identify anyone.
 - c. It is just as important to free innocent persons from suspicion as to identify guilty parties.
 - d. Please do not discuss the case with other witnesses, nor indicate in any way that you have or have not identified someone.

13. FIELD LINE-UP PROCEDURE

- A. A field line-up is the viewing by victims or witnesses of a suspect who was apprehended in close proximity, time, and place, to the occurrence of a crime.
- B. A field line-up shall be conducted whenever possible.
 1. The witness shall be transported to the suspect's location.
 2. Only when not possible and in rare circumstances when the victim cannot be transported to the suspect's location, the suspect may be transported to the witness' location, keeping within the guidelines of constitutional law.
- C. The following rules are applicable in a field line-up:
 1. The line-up must be conducted within a reasonable time of the reported incident.
 2. Prior to the line-up, the witness's description of the suspect shall be recorded in detail.
 3. If there are several witnesses, they shall view the suspect separately, with no prior discussion with other witnesses.
 4. All witnesses in a field line-up shall be admonished from the Department issued field line-up card as follows:

- (a) You should not conclude that the person being detained and who may or may not be handcuffed is the person who committed the crime;
- (b) You are not obligated to identify anyone;
- (c) It is just as important to free innocent persons from suspicion as to identify guilty parties; and
- (d) Please do not discuss the case with other witnesses, nor indicate in any way that you have or have not identified someone.

14. THE SUSPECT AND HIS ATTORNEY

- A. The suspect in a station line-up shall be advised of his right to have an attorney present as a witness, and the right to have an attorney appointed in the event the suspect does not have an attorney, and cannot afford one.
 - 1. The defense attorney's role at the station line-up is that of observer. There shall not be interference in the conduct of the line-up.
 - 2. The defense attorney may consult with the witnesses or victims after the line-up, but they are under no obligation to speak with the attorney.
 - 3. The suspect does not have the right to an attorney in a photographic line-up or a field line-up.

Chapter	11
Section	11.09
Title	Arrests, Detentions and Bookings
Subject	Emergency Commitment of Mentally Ill Persons
Effective Date	03/01/1988
Revision Date	12/18/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

It is the policy of the Department that officers assist individuals suffering from a behavioral health condition in a professional, respectful, and efficient manner.

II. PURPOSE

To set forth policy and procedures regulating the detainment of persons suffering from a behavioral health condition who meet the specific criteria under authority of Welfare and Institutions Code (W&I), Section 5150.

III. AUTHORITY

A. W&I Code – Section 5150 states: When a person, as a result of a mental health disorder is a:

- a. Danger to self;
- b. Danger to others; or
- c. Gravely disabled.

B. Upon probable cause, be taken to the nearest designated facility for a 72 hour treatment and evaluation.

- a. Arrowhead Regional Medical Center is the designated facility for this Department.
 - i. Arrowhead Regional Medical Center must accept the person being referred for evaluation, even though the A.R.M.C. may be on diversion.
- b. A hold may be written to another designated facility at the request of S.A.R.H. personnel, provided admittance and transportation to that facility have already been arranged for.

C. Alcohol intoxication is **NOT** meeting the criteria for 5150 assessment. However, if a person under the influence of alcohol threatens to harm themselves or others, this may constitute a reason for evaluation.

- D. Suicide attempts (e.g. wrist laceration, medication overdose) should be directed immediately to the nearest emergency room.
- E. When determining if probable cause exists to take a person into a designated facility for a 72 hour treatment and evaluation pursuant to W&I 5150, officers shall consider available relevant information about the historical course of the person's mental disorder if the officer determines that information has a reasonable bearing on whether that person is a danger to self or others, or is gravely disabled as a result of the mental disorder (W&I 5150.05)

IV. **SECURITY OF PERSONS LIVING WITH A BEHAVIORAL HEALTH CONDITION**

- A. Officers shall remain alert and stand ready to prevent injury to themselves and the individual or potentially other persons as, first and foremost, officers must ensure safety. Utilize approaches and techniques learned through Crisis Intervention Training or other trainings to understand and manage behavioral health conditions.
 - a. Any call involving a crisis situation, the County Triage Engagement Support Team (TEST) staff will go out with officer to provide assessment, if available. (See Section VII, TEST & CCRT)
 - b. If after normal business hours, an officer may choose to utilize County Community Crisis Response Team (CCRT) if support is needed to manage crisis intervention. (See Section VII, TEST & CCRT)

V. **COMMITMENT BY PEACE OFFICER OR ATTENDING PHYSICIAN**

- A. A peace officer or appropriate personnel designated by the County, may take or cause the individual that meets criteria for W & I 5150 to be placed in an appropriate facility designated by the County.
- B. When it becomes necessary for an Upland officer to commit a person to a 72 hour treatment and evaluation due to danger to self, danger to others, or gravely disabled, and the person is unwilling to go voluntarily, the following procedure will be followed:
 - a. The officer will verbally advise the individual as per the Detainment Advisement located on the top right corner of the Application for Assessment, Evaluation, and Crisis Intervention or Placement for Evaluation and Treatment Form (AKA Application for 72 Hour Hold,

5150 Form, or DHCS 1801 Form) – See Detainment Advisement procedures found within this policy for completion of this section.

- b. Complete the Application form stating the particular information to warrant/justify that the person being taken for evaluation and treatment is, in fact, a danger to self, danger to others, or gravely disabled, providing specifics that warrant determination made.
- c. An officer, having completed the 5150 Application form, shall transport or arrange transportation:
 - i. Adults with medical concerns – by ambulance to the nearest emergency department.
 - ii. Adults without medical concerns – to Arrowhead Regional Medical Center.
 - iii. Juveniles with medical concerns – along with the W&I paperwork, by ambulance to S.A.R.H. The officer need not accompany the ambulance unless the person is combative.
 - iv. Juveniles without medical concerns – to Canyon Ridge Hospital.
 1. Once a patient has been treated for their medical condition and cleared for release by the treating hospital, the officer will not be responsible for arranging the transportation to a designated 72 hour evaluation and treatment facility. At no time will an Upland police officer transport medically cleared patients to a facility for evaluation.

VI. **COMPLETION OF THE 5150 APPLICATION**

- A. Complete all sections of the application per instructions as completely as possible.
- B. Detainment Advisement Record
 - a. W&I 5150 requires that a record be kept of the advisement to the person by the officer taking such person into a designated facility for treatment and evaluation.
 - b. The officer shall read the advisement and complete the Detainment Advisement Record located at the top right hand corner of the form. Then check the appropriate box and complete the Advised By section.
 - c. If unable to advise person due to unconscious or other extenuating circumstances, complete the appropriate box and provide explanation as requested in the “Good Cause for Incomplete Advisement” section, then complete the Advised By section.

C. Criminal Charges

- a. If a person who is detained for a 72 hour treatment and evaluation has pending criminal charges against them, the officer must indicate on the Application form that notification of the person's release is required pursuant to W&I Code, Section 5152.1 and provide contact information.

VII. **TEST & CCRT ASSISTANCE**

- A. The Upland Police Department has a Memorandum of Understanding (MOU) with the County of San Bernardino to provide a co-located Triage Engagement Support Team (TEST) staff member who provides assistance with crisis intervention.
 - a. The Watch Commander or officer involved in the call will advise TEST staff to attend appropriate calls for crisis intervention.
 - b. The TEST staff will follow dispatched officers in their own County vehicle.
- B. If crisis intervention is required after regular business hours, West Valley Community Crisis Response Team (CCRT) may be contacted.
 - a. Personnel from CCRT are available to respond and assist:
 - i. Monday through Friday 0800 to 2200
 - ii. Weekends and County Holiday 1400 to 2200
 - iii. Requests can be made via on-call pager # 909-535-1316
 - b. CCRT will write the 5150 hold, when appropriate, and transport the person to the appropriate hospital.
 - c. CCRT will NOT transport combative individuals. The officer will assist in transportation of combative individuals.
 - d. Following the arrival of CCRT staff, the officers continued presence at the scene may no longer be required. This will be determined on a case by case basis.
- C. Nothing in this policy, however, shall prevent an officer, following their evaluation of a person, from writing the 5150 hold and transporting a person to the hospital without TEST or CCRT.

Chapter	11
Section	11.10
Title	Arrests, Detentions and Bookings
Subject	Juvenile Case Procedures
Effective Date	03/01/1988
Revision Date	02/23/2011
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

In order to properly process minors coming to the attention of the Department, members of the Upland Police Department will be guided by the following procedures.

II. DEFINITIONS

- A. **Temporary Custody:** Temporary custody means the minor is not at liberty to leave the law enforcement facility.
- B. **Secure Detention:** Secure detention means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure, and/or is physically secured to a cuffing rail or other stationary object.
- C. **Non-Secure Custody:** Non-secure custody means that a minor's freedom of movement is controlled by the use of physical barriers and/or by the staff of the facility, and:
 - 1. The minor is under constant, personal, visual observation and supervision by staff of the law enforcement facility;
 - 2. The minor is not locked in a room or enclosure; and
 - 3. The minor is not physically secured to a cuffing rail or other stationary object.
- D. **Law Enforcement Facility:** Law enforcement facility means a police facility or sheriff's station. It does not include a jail which has the purpose of detaining adults charged with criminal law violations while awaiting trial or sentenced adult criminal offenders.

- E. **Lock-Up:** Lock-up means a locked room or a secure enclosure under the control of a sheriff or other peace officer, which is primarily for the temporary confinement of adults who have recently been arrested.

III. NON-CRIMINAL SITUATIONS

This category encompasses those incidents which fall within the purview of the Welfare and Institutions Code when police action is necessary for the protection of the minor, i.e., lost, parent arrested, parent seriously or fatally injured, etc. Also, it encompasses the provisions of Welfare and Institutions Code 601.

- A. The original investigating officer shall make every effort to locate a parent, guardian, or responsible person whose custody the minor may be placed. The name, address, and telephone number of the person to whom the minor was released shall be noted in the officer's report.
- B. In the event that there may be a delay before a parent, guardian, or responsible person can assume custody, or such a party cannot be located within a reasonable length of time, the Watch Commander shall decide whether the minor is to be kept in protective custody, or transported to the appropriate juvenile facility for placement.
- C. Officers shall not handcuff non-criminally detained minors.
- D. Minors detained in protective custody, or as a result of Welfare and Institutions Code 601, shall not be placed in a secure detention.
 - 1. Runaways: Minors that are runaways from local jurisdiction should be brought to the station while their parents are contacted and arrangements made for their release. They should not be held in any secure detention. Runaways from outside the immediate area, or from other states, should be brought to the station, and arrangements made for their transportation and detention at Juvenile Hall. Handling of runaway minors should be in keeping with Welfare and Institutions Code Section 207(c).

2. Curfew Violations: Officers who detain minors for night time curfew violations should locate a parent or legal guardian as soon as possible. When practical, the parent/guardian should respond to the location of the violation to assume responsibility of the minor. The minor offender will be issued a citation prior to his/her release. If a parent is unable to respond, the parent may authorize the minor to be released to another responsible adult. If the minor is driving an automobile and is not in violation of provisional licensing restrictions under VC 12814.6(b), the officer may direct the minor to drive home upon the request of the parent/guardian.
3. Truants: When a truant is contacted in the field, a patrol officer or the School Resource Officer, if available, shall transport the minor back to school. Only in extreme situations should a minor be brought to the station as a result of being truant.

IV. CRIMINAL SITUATIONS

Comprised in this category are those incidents which fall within the purview of the Welfare and Institutions Code, wherein, police action is necessary for the protection of the community.

A. Field Disposition

1. If the minor is contacted at the crime scene by officers, in such cases as shoplifting, malicious mischief, etc., and he has reasonable cause for arrest, then the officer has several prerogatives.
 - a. Interview the minor at the scene, then call the parent to the scene and release the minor to them.
 - b. If the parent has no transportation available, transport the minor home and inform the parent of all circumstances involved.
 - c. If the parent or responsible person who should take custody of the minor cannot be located, then the officer must take custody of the minor until such person can be contacted.
 - d. If further interview is necessary, and the circumstances demand, then and only then, transport the minor to the Police Department for an interview.

B. Citations

1. Traffic citations shall be issued to minors for violations of the Vehicle Code or City Ordinances pertaining to traffic. Telephone contact through the dispatcher advising the parent or responsible party of the violation may be advisable in certain circumstances.

a. Vehicle Code alcohol violations: possession of alcohol in a vehicle by a person under 21; and storage of open container. When either of these violations occur, two situations exist for the procedure of handling:

- 1) If the minor has been drinking, attempt to contact a parent to respond to your location.
- 2) If the parent can respond, complete a citation while waiting and release the minor to a parent upon a written promise to appear.
- 3) If the parent cannot respond, transport the minor to the station, complete a citation, place him in non-secure custody, and release him when the parent arrives. Any minor who displays outward signs of intoxication, or who is known or suspected to have ingested any substance that could result in a medical emergency, shall be medically cleared prior to being detained at the Upland Police Department.
- 4) If the minor has not been drinking, issue a citation and release him upon a written promise to appear.

C. When the minor has committed a felony or a serious misdemeanor, and, in the opinion of the officer, it would be unwise to release the minor at once to a parent, guardian, or responsible person, the minor may be brought to the station.

1. Minors held in temporary custody may be placed in secure detention if they meet the following criteria:

- a. The minor shall be 14 years of age or older.
- b. There are facts or circumstances present that would lead a prudent peace officer to conclude that further criminal activity against persons or self-destructive acts, on the part of the minor, are likely, or that the minor may be at risk of harm if released. The minor must present a serious security risk of harm to themselves or others to be placed in secure detention.
- c. A brief time is required to investigate the case; facilitate release of the minor to a parent or guardian; or arrange for the transfer of the minor to an appropriate juvenile facility.
- d. Any minor brought to the station in temporary custody, that does not meet the above criteria, must be held in a non-secure custody (refer to definitions).

2. Whenever a minor is brought to the station, the arresting officer shall take immediate steps to notify a parent, guardian, or responsible person of the arrest and detention of any minor, and note the time of such notification and to whom made in the report. This is in compliance with Welfare and Institutions Code, Section 627.

3. Whenever a minor is brought to the station, he shall not be held in secure detention or non-secure custody for more than six hours.
4. All minors in temporary custody shall have the following made available to them:
 - a. Minors shall have access to toilets and washing facilities.
 - b. Minors shall have one snack upon request during term of temporary custody if the minor has not eaten within the past four- (4) hours or is otherwise in need of nourishment.
 - c. Reasonable access to drinking water.
 - d. Privacy during visits with family, guardian, and lawyer.
 - e. Minors in Locked Rooms. Minors placed in locked rooms will be provided the following.
 - 1) Minors will be provided blankets and clothing, as necessary, to assure the comfort of the minor.
 - 2) Minors will be permitted to retain and wear his or her personal clothing unless clothing is inadequate; presents a health or safety problem; or is required to be utilized as evidence of an offense.
5. Whenever it becomes necessary to hold a minor in secure detention outside of a locked enclosure, they shall not be secured to a stationary object. A staff person from the facility shall be present at all times to assure the minor's safety while outside of a locked enclosure.
6. If the minor is to be held in a secure detention, he shall be informed of the following:
 - a. The purpose of placement in the secure detention;
 - b. The expected duration of secure detention; and
 - c. The maximum six hour total time limit on secure detention and non-secure custody as provided.
7. If a determination is made to place the minor in Juvenile Hall without an accompanying report, a report must follow within 24 hours, or the minor will be released.
8. Minors held in temporary custody, who do not meet the criteria for secure detention specified above, may be held in non-secure custody if a brief period of time is needed to investigate the case, facilitate the release of the minor to a parent or guardian, or arrange for the transportation of the minor to an appropriate juvenile facility.
 - a. Minors held in non-secure custody shall receive adequate supervision, which, at a minimum, includes constant personal, visual observation and supervision by staff.
9. In all cases where a minor is placed in temporary custody and brought to the station, a juvenile application form shall be completed and attached to the officer's report for follow-up by the probation officer. Final disposition for all minors detained by this Department or referred to the probation officer shall be the responsibility of the Probation Department.

10. Cases requiring a citation issued to both the minor and their parent/guardian, are not to be held and will be turned in no later than the following day.

11. Any minor who displays outward signs of intoxication, or who is known or suspected to have ingested any substance that could result in a medical emergency, shall be medically cleared prior to being detained at the Upland Police Department.

Supervision of minors who have been cleared to enter the facility shall include safety checks no less than every 15 minutes until resolution of the intoxicated state. These safety checks shall be documented, with actual time of occurrence recorded. (TITLE XV, Section 1151).

a. NON-SECURE DETENTION – The minor will be under constant personal observation by Department personnel

b. SECURE DETENTION - Personal observations will be made every 15 minutes. Each observation shall be documented.

Chapter	11
Section	11.11
Title	Arrests, Detentions and Bookings
Subject	Juvenile Offenders - Interviews
Effective Date	03/01/1988
Revision Date	12/18/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

Juvenile suspects will be interviewed and dealt with according to the provisions of Penal Code Section 26.

II. PURPOSE

- A. To prevent the practice of taking children into unreasonable custody for the purpose of interview.
- B. To prevent the traumatic effect in the mind of the child of his being taken into custody, probably subjected to unnecessary interrogation, and placed in an atmosphere of arrest at such an early age.

III. APPLICATION

In no event does a police officer have the authority to take into custody, any person, juvenile or adult, merely for the purpose of interview, unless there exists reasonable cause for arrest. Furthermore, Penal Code Sections 26 defines certain classes of persons who are incapable of committing crimes, specifically, children under the age of fourteen (14) years. This section clearly states that children in this age group are incapable of committing a crime unless they know the wrongfulness of their act, and the burden of proof lies with the prosecution, who must establish this fact through the use of professional, expert testimony. The burden of proof as to whether the child knew right from wrong never lies with the police officer or the child.

IV. PROCEDURE

- A. Take the child home (rather than to the Police Department) whenever possible. IN NO EVENT will a child be taken into custody, placed in a police unit and transported to the police station because he was allegedly involved in a crime.
- B. If the child is contacted at the crime scene by officers in such cases as shoplifting, malicious mischief, etc., and the officer has reasonable cause for arrest, then the officer has several prerogatives.
 1. Interview the child at the scene, then call the parent to the scene and release the child to him.
 2. If the parent has no transportation available, transport the child home and inform the parent of all circumstances involved.
 3. If the parent or responsible person who should take custody of the child cannot be located, then the officer must take custody of the child until such person can be contacted.
 4. If further interview or investigation is necessary, and the circumstances demand, and in the officer's opinion the juvenile knows right from wrong as defined in P.C. 26, then the officer may transport the juvenile to the Police Department.
- C. Whenever it is alleged, or a child is suspected of being involved in a crime, such as a group of children state they saw a certain child set a brush fire or break a window, or a lady believes that a certain child is responsible for stealing her son's bicycle, etc., the officer will proceed as follows.
 1. Attempt to determine the validity of the allegation, and if it appears to be valid, the officer should:
 - a. Go to the residence of the suspected child and first inform the parent of the nature of the allegation against the child. When interviews such as these are necessary, they should be made only at a reasonable hour.
 - b. Do not make an accusatory statement based upon an allegation that has not been corroborated.
 - c. It is suggested that your conversation begin in the following manner: "Mr./Mrs. _____, I am Officer _____, and information has been given to me that your child possibly was involved in _____. I am here merely to inform you of this fact, and not to accuse your child, because I do not have any proof, other than the information that has been given to me."
 - d. The officer should then proceed to solicit the cooperation of the parent in interviewing the child, if he determines that it is necessary.

D. In no instance will the officer threaten the child with such things as arrest, jail, detention, juvenile hall, etc. for any reason, whatsoever.

Chapter	11
Section	11.12
Title	Arrests, Detentions and Bookings
Subject	Recording of Juveniles Names on Bulletin
Effective Date	03/01/1988
Revision Date	10/08/2018
Revised By	Captain John Poole
Authorized By	Chief Darren Goodman

I. POLICY

In compliance with guidelines set by the Department of Justice and Juvenile Court, all personnel will immediately discontinue the practice of recording the names of arrested juveniles on the Daily Bulletin.

II. PROCEDURE

- A. Those charged with the responsibility of completing Bulletin entries should merely state, as an example:
 1. "A 17 year old male juvenile was arrested and released to his parents."
- B. The name of the juvenile will continue to be recorded on the arrest log and copies of the log can be made for briefing purposes.
- C. All personnel are reminded the arrest log is not a public record, and is not to be made available to the public or the press.
- D. This policy change shall, in no manner, affect the current practice of recording the names of arrested adults.

Chapter	11
Section	11.13
Title	Arrests, Detentions and Bookings
Subject	Juvenile Arrests For Theft and Vandalism
Effective Date	05/16/2001
Revision Date	12/19/2019
Revised By	Captain Clifford Mathews
Authorized By	Chief Darren L. Goodman

I. POLICY

The Upland Police Department will forward minor theft and vandalism cases to the Fontana Juvenile Informal Court for disposition when appropriate.

II. PURPOSE

The intent of this policy is to provide officers with a uniform procedure to apply to juvenile theft and vandalism cases.

III. PROCEDURE

A. Juveniles Arrests for minor theft and vandalism.

1. Juveniles, who are arrested for petty theft, including those arrested for a theft from a merchant or library, should be cited for P.C. 490.1/490.2 and cited into Fontana Informal Court. Juveniles arrested for vandalism when the value of the damage is less than \$400 should also be cited into Juvenile Informal Court. The Juvenile traffic court will handle the offense as an infraction.
2. If the Officer determines the juvenile should be prosecuted by the Juvenile District Attorney's Office, the juvenile and their parent should be cited into the Juvenile Formal Court and a juvenile contact petition should be completed. In the narrative on the back of the petition, the officer should articulate the factors, which resulted in the decision not to cite into the informal court. Factors which are appropriate include committing an offense while on probation, prior offenses for the same offense, gang affiliation, prior failures to appear in court, or any other appropriate factor if approved by the watch commander or sergeant.

Chapter	11
Section	11.14
Title	Arrests, Detentions and Bookings
Subject	Transportation of Prisoners
Effective Date	03/01/1988
Revision Date	12/11/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It shall be the policy of this Department that all transporting officers will be responsible for the custody and care of a prisoner.

II. PROCEDURE

A. Transportation

1. Unit With Security Screen
 - a. The prisoner shall be handcuffed behind his/her back and placed in the rear seat **on the passenger side** of the police unit whenever reasonable.
2. Unit without Security Screen
 - a. The prisoner shall be handcuffed behind his/her back and placed in the rear seat on the passenger side, and secured with the unit seat belt. A second officer shall ride in the rear seat behind the driver.

B. Combative Prisoners

1. Suspects who are combative may be secured with the use of leg restraints.

C. Female Prisoners

1. When transporting a female prisoner, the transporting officer shall obtain a time check from the dispatcher and give the starting mileage. When arriving at the jail, the transporting officer shall obtain the time from the dispatcher and give the ending mileage.

2. Pregnant Inmates: (Ref CCR, Title 15, Sec. 1058.5)(Cal. Penal Code 3407)
 - a. An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs.
 - b. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, officers, staff, or the public.
 - c. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or recovery after delivery determined that the removal of restraints is medically necessary.
 - d. Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

D. Juveniles

1. Juveniles under the age of 12 years, who are to be transported, shall not be handcuffed, unless there are extenuating circumstances. They shall be placed in the rear passenger seat and secured in the seat with unit seat belts.

E. Seat Belts

1. It is the responsibility of the driver of the police unit to ensure all passengers are lawfully secured with a seat belt.

Chapter	11
Section	11.15
Title	Arrests, Detentions and Bookings
Subject	Prisoner and Restraint Devices
Effective Date	09/08/1994
Revision Date	03/13/2014
Revised By	Captain Ken Bonson
Authorized By	Chief Jeff Mendenhall

I. POLICY

When the use of a restraint device, other than handcuffs, is necessary to restrain a combative prisoner, it is the policy of the Upland Police Department to use the "Ripp Hobble" or the Pro-Restraint Chair.

II. PURPOSE

- A. The law enforcement community has experienced several in-custody deaths associated with the application of the Braided Rope Hobble Restraint on violent, combative suspects. Autopsies have revealed the following three phenomena:
 1. Cocaine Psychosis - The presence of cocaine in the suspect's body fluids, coupled with violent behavior causing an overload and over-stimulation of vital bodily functions, such as respiration and demand for oxygenated blood, resulting in heart failure and death.
 2. Excited Delirium - Primarily occurs in violent, mentally ill suspects and those suffering altered states of consciousness from ingestion of stimulants.
 3. Postural Asphyxia - This occurs while a suspect is lying face down in a Total Appendage Restraint Procedure, (T.A.R.P.). This face-down position restricts the suspect's ability to breathe properly. The tightly bound legs constrict the flow of blood in the major muscle groups of the legs. These factors can contribute to the individual's death.
 - a. A suspect left in the "face down" T.A.R.P. position has a high probability of dying due to the combination of cocaine psychosis/excited delirium and postural asphyxia.
- B. The Pro-Restraint Chair is used to secure and limit movement of inmates who display behavior that results in the destruction of property or reveals intent to

cause physical harm to self or others and who needs a confining environment and close supervision. In addition, the Pro-Restraint Chair may be used for resistive suspects requiring forced blood draws. It shall not be used for compliant suspects.

III. PROCEDURE

A. Ripp Hobble

1. The Braided Rope Hobble contributes to the risk of postural asphyxia phenomena and, therefore, no longer is authorized by this Department.
2. Whenever a combatant prisoner has to be restrained, the Ripp Hobble is the only approved and authorized Hobble Restraint allowed by this Department.
3. The alligator locking clip on the Ripp Hobble allows the device to be carried in the ready position at all times. This clip also prevents the Hobble from slipping.
4. The Ripp Hobble provides the ability to hobble legs, T.A.R.P. suspects, transport a hobbled suspect while sitting down, and application of the Batwing Technique.
5. All restrained suspects must be closely monitored for any signs of difficulty in breathing and should not be placed face down, if possible.
6. Suspects who exhibit difficulty in breathing, or who may have expended a great deal of energy while being restrained, shall be transported by ambulance for medical evaluation.

B. Pro-Restraint Chair

1. The Pro-Restraint Chair shall only be used by properly trained personnel and supervisory approval is required prior to placing an inmate in the chair. Training shall consist of a training exercise and a demonstration.
2. Inmates shall only be secured in the Pro-Restraint Chair using the manufacturer's instructions and approved techniques. The Pro-Restraint Chair with a carriage shall only be operated according to manufacturer's instructions. Inmates shall not be left unattended in the Chair with the carriage wheels engaged.
3. Anytime an inmate is placed in the Pro-Restraint Chair, the approving supervisor's name, and the date and time, must be documented on the cell log.
4. When placing an inmate in the Chair, pull all restraining straps tight. Loose straps could result in an inmate being able to free themselves.
5. Keep the chair away from walls and other obstructions. Persons in the Chair may injure themselves by moving their heads to strike walls and obstructions.

6. Use caution when securing chest straps. The inmate may be able to strike the officer(s) with their head and/or attempt to bite.
7. Make sure the chest straps go across the upper arms (biceps) area and not over the collarbone or shoulders of the restrained inmate.
8. Use caution when securing the leg strap, as the inmate may be able to kick the officer(s).
9. When necessary to secure violent/resistive inmates, use only Department approved control holds until the wrists are secured. Always double lock handcuffs.
10. If the restrained inmate is handcuffed behind their back while in the Pro-Restraint Chair, the officer(s) must remove the handcuffs at least every 30 minutes and allow the restrained person to exercise their arms and wrists. It is preferred to restrain the inmate by utilizing the handcuffs on the side of the chair.
11. When an inmate is handcuffed behind their back, while in the chair, the back support should be removed.
12. If the restrained inmate is handcuffed to the sides of the chair, they shall be allowed to exercise their arms every hour.
13. When an inmate is handcuffed to the sides of the chair, the back support needs to be placed in the chair.
14. Document on the cell log all movement given to the restrained inmate.
15. Offer the restrained person water every hour and document it on the cell log. Indicate whether the offer of water was accepted or refused.
16. Direct visual observation must be made every 15 minutes and documented on the cell log.

Chapter	11
Section	11.16
Title	Arrests, Detentions and Bookings
Subject	Step-Act Notices
Effective Date	09/01/1995
Revision Date	10/8/2018
Revised By	Sergeant Andrew McCullough
Authorized By	Chief Darren L. Goodman

I. POLICY

All suspected gang members, associates, or affiliates who are included in a shared gang database must be notified of their designation prior to their entry in the database. If the individual is under 18 years of age, his or her parent or guardian must also be notified. This notice must describe the process for contesting the designation and provide the basis for the designation. Notice is not required if it would compromise an active criminal investigation or compromise the minor's health or safety.

The Upland Police Department ("UPD") must submit a report to the California Department of Justice each January that includes information regarding the number of persons in, added to, and removed from the database, along with the number of requests for removal and requests for removal granted, during the previous year.

The UPD must respond to all valid requests for information as to an individual's designation in a shared gang database within 30 days of receiving a valid request.

The UPD must review challenges to an individual's designation in a shared gang database submitted to the UPD in writing. The UPD must determine if the individual should remain designated and provide written verification of its decision within 30 days of receiving written documents contesting the designation. If the request for removal is approved, the UPD must remove the individual from the database. If the request is denied, the written verification must state the reason for denial.

II. PURPOSE

To comply with Penal Code section 186.34, which requires that the UPD: (1) notify suspected gang members, associates, or affiliates of their designation as such prior to inclusion in a shared gang database, (2) respond to requests for information regarding

designations and requests for removal from the database, and (3) share information regarding the database with the Department of Justice annually.

To preserve an evidentiary record for the appeal of denied requests for removal from a shared gang database pursuant to Penal Code section 186.35.

III. PROCEDURE

A. Definitions

1. "Non-custodial" contact with known or suspected gang members means that the person or persons involved are not being "detained" for investigation purposes or arrest. The individual is free to leave at any time and may refuse to answer questions or be photographed. Some examples of non-custodial encounters are:
 - a. witness interviews;
 - b. passengers not in violation on traffic stops;
 - c. casual, mutual conversations;
 - d. medical assists; and
 - e. neighborhood canvasses.
2. "Custodial" contacts include detention for the following:
 - a. arrest;
 - b. parole or probation terms and conditions;
 - c. traffic violations;
 - d. suspect of a reported crime under investigation;
 - e. in-field line-ups;
 - f. curfew;
 - g. truants; and
 - h. the actions of individual(s) demonstrate a crime may have occurred or is about to occur.

B. Criteria

1. One or more of the following criteria qualify for profiling a person as a known or suspected gang member:
 - a. When an individual admits membership in a gang;
 - 1) The suspect verbally claims his/her participation.
 - b. When a reliable informant identifies an individual as a gang member;
 - c. When an informant of previously untested reliability identifies an individual as a gang member and the information is corroborated by independent information;
 - 1) Corroborating independent information includes:
 - a) Police, probation, parole or school records;

- b) Photographs of the individual posing with gang members, dressed in attire, throwing hand signs;
 - c) Written correspondence
 - i. Letters to or from the individual written in gang style or making references to the gang lifestyle;
 - d) The residence of the individual becomes a gang hangout;
 - e) Seized evidence which verifies the information; and
 - f) The use of a moniker or street name by the individual which is used by known gang members to identify that individual.
 - g) Once an untested informant's information is corroborated, the informant can be considered reliable in any future contacts.
- d. When an individual resides in or frequents a particular gang's area and effects the gang's style of dress, use of hand signs, symbols, or tattoos, and associates with known gang members.
- 1) Gang dress includes:
 - a) Baseball caps bearing stitched, written or altered initials of the gang, or in the color of the gang;
 - b) Bandannas in the color used by the gangs;
 - c) Belt buckles and belts bearing engraved, stenciled, or written gang symbols or initials; and
 - d) Jackets or shirts in the color of the gang and bearing stenciled, iron-on, stitched, or hand drawn gang symbols and names, or altered lettering which identifies the gang.
- e. When an individual has been arrested several times in the company of identified gang members for offenses listed in the California Penal Code, Section 186.22(e), or which are consistent with usual gang activity.
- 1) When determining what constitutes "usual gang activity", consider the following facts about street gangs in general:
 - a) Gang members are predators;
 - b) The most frequent non-criminal activity among gang members is "hanging out" or loitering;
 - c) The mere presence of gangs intimidates citizens and causes them to fear for their safety;
 - d) Most gangs start as informal play groups and gravitate to more serious and violent behavior as they come in contact with rival gangs;
 - e) Gangs are about power, money and/or territory.

- f) Gang members are involved in a variety of illegal “black market” activities and often protect their interests through violence, intimidations and extortion.
- g) Gang members are adept manipulators;
- h) Recruitment age for most gangs on average is 11 years old;
- i) Most gang members come from single-parent, female dominant households;
- j) Statistically, gangs are 97% male. Many gang members sire children out of wedlock and batter their girlfriends. In the majority of those instances, the females are on welfare;
- k) Gang members are most frequently found near their girlfriends’ homes on the first of every month. This is commonly called “mother’s day” and often results in the male gang member taking all or a portion of the welfare money from the female; and
- l) Gang members are often responsible for the deterioration of most of the neighborhood they occupy or frequent. They often prey upon and victimize local residents and visitors, vandalize buildings, spray paint graffiti, carry firearms, fight publicly, and sell and use narcotics.

f. Obtaining Thumbprints.

Whenever possible, ask the individual for his/her thumbprints for verification of identity. If an inkless print kit is available, use it. In non-custodial situations, do not take fingerprints against the individual’s wishes. This must be done voluntarily.

g. Obtaining photographs.

Whenever possible, ask the individual for his/her photograph for verification of identity. Call for a supervisor to respond and take the photograph. If the individual is willing to pose, take an additional photograph of the gang hand signs.

1. As with thumbprints, the photograph must not be forced and must be voluntary.

IV. NOTIFICATION PROCEDURE

When an Officer contacts a suspected gang member, associate, or affiliate and decides it is appropriate to include that person in a shared gang database by issuing them a STEP ACT notice, the Officer must give written notice to the subject prior to entry into the gang database. If the subject is a minor (under 18 years of age), notice must also be given to his or her parent or guardian prior to entry into the gang database.

The officer provides written notice to an adult or minor subject of the designation by giving them a copy of the UPD's Gang Designation Letter with the reasons for their inclusion in a shared gang database marked. The Officer provides written notice to the parent or guardian of a minor subject of the designation by giving them a copy of the UPD's juvenile Gang Designation Letter with the reasons for the subject's inclusion in a shared gang database marked. All letters must state at least two of the following reason for designation:

1. Self-admitted gang member
2. Identified by reliable source/informant
3. Gang clothing/insignia
4. Displays gang hand signs
5. Gang tattoos
6. Frequents a gang area
7. Affiliates with gang members
8. Arrested with gang members

At least two of the above criteria must apply for a person to be designated as a gang member, associate, or affiliate in a gang database.

The Officer shall note the name and date of birth of the person the notification letter (s) was given to in the CAD entry and/or the case file. The officer should note the ZIP code, race, gender, and age of the suspected gang member(s) so that this information can be submitted to the Department of Justice pursuant to Penal Code section 186.34(c).

V. DEPARTMENT OBLIGATIONS

Reporting to the Department of Justice

The UPD shall submit a report to the California Department of Justice annually on January 15. The report shall be in the format developed by the Department of Justice. At this date, no format has been developed. The report shall include the following information:

1. The **number of persons included** in the database on the day of reporting;
2. The **number of persons added** to the database during the previous year;

3. The **number of requests for removal** of a person from the database **received** during the previous year;
4. The **number of request for removal** of a person from the database that were **granted** during the previous year; and
5. The **number of persons automatically removed** from the database during the previous year.

The report shall contain this information by ZIP code, race, gender, and age.

Responding to Requests for Information

The UPD shall respond to valid requests for information regarding a person's designation in a shared gang database. The UPD shall respond in writing by providing the information requested within 30 days of receiving the request. The UPD does not need to provide the information requested if it would compromise an active criminal investigation, or if it would compromise the health and safety of the persons, if the person is under 18 years of age.

To be valid, a request must:

1. Be made by a person subject to designation in a shared gang database, or, if the person is under 18 years of age, his or her parent or guardian, or an attorney working on their behalf;
2. Be made in writing; and
3. Request information as to:
 - Whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database;
 - Which law enforcement agency made the designation; or
 - Information as to the basis for designation, if the UPD designated that person

Responding to Contested Designations

A person designated as a suspected gang member, associate, or affiliate, or their parent or guardian may submit written documentation to the UPD to contest the designation.

The UPD shall review the documentation submitted and determine whether the person is a suspected gang member, associate, or affiliate. The UPD shall provide the person and his or her parent or guardian written verification of its decision regarding the individual's designation within 30 days of receiving the documents contesting the designation.

- If the request is **denied**, the notice of determination shall state the reason for denial.

- If the request is **approved**, the UPD shall remove the individual from the database.

VI. GANG INTELLIGENCE FILES

All completed gang forms should be forwarded through supervision to the designated employee responsible for entry, along with any accompanying photographs stapled to the front, upper left-hand corner.

A. Record Entries.

1. The designated employee responsible for gang data entry shall be responsible for the maintenance of gang intelligence files in both the Department's in-house RMS (Records Management System) computer, as well as in the Cal/Gang computer.

B. Intelligence files.

1. Gang notices forwarded to the designated employee responsible for gang data entry shall be maintained, updated and preserved in a designated area, not readily accessible to the general public.
2. Gang files and their contents are Discoverable by law, on a case-by-case basis and should contain accurate and pertinent data.
3. Gang files are not accessible to the media.
4. Gang files shall be purged after five years have passed from the date of the last contact.

C. Cal/Gang System

1. All agreements and policies prescribed through the access to and use of the Cal/Gang System shall be strictly observed.

Chapter	11
Section	11.17
Title	Arrests, Detentions and Bookings
Subject	Diplomatic and Consular Immunity
Effective Date	03/01/1988
Revision Date	10/08/2018
Revised By	Captain John Poole
Authorized By	Chief Darren Goodman

I. POLICY

All Diplomatic and Consular Officers shall be accorded their respective rights, privileges, and immunities as directed by International law and Federal statutes.

II. PURPOSE

To treat Diplomatic and Consular Officers with the courtesy and respect that befit their distinguished positions while recognizing that all persons enjoying such privileges and immunities have an obligation under International law to respect local laws and regulations.

III. APPLICATION

- A. Diplomatic Officers. These are the political representatives of one country to another. Their titles may be Ambassador; Minister; Minister Counselor; Counselor, Secretary; Secretary First, Second or Third; or Attaché. Most of them reside in or near Washington D.C. or New York City. They are concerned with international relationships and foreign policy.
- B. Diplomatic Immunity. Diplomatic Officers, their families, their official staffs, and their servants, providing they are neither U.S. citizens nor permanent residents of the United States are, at present, protected by complete immunity from arrest. They cannot be arrested for any offense.

- C. Consular Office. These official foreign government representatives are designated Consuls General, Deputy Consuls, and Vice Consuls. Their principal duties relate to protecting the interest of their nationals, promoting the business of the countries they represent, issuing passports, and performing other administrative and legal functions.
- D. Consular Immunity. Consular Officers are accorded certain immunities and privileges. They may not be arrested for misdemeanors, but may be arrested for grave crimes (felonies which endanger the public's safety). The families, servants, and staff of consular officers are not entitled to immunity from arrest. Law enforcement personnel should treat consular officers with due respect and should take all appropriate steps to prevent any attack on their personal freedom or dignity.
- E. Honorary Consular Officers. Some citizens of the U.S. or permanent residents of this Country are appointed as Honorary Consular Officers by foreign countries for the purpose of facilitating and promoting the interests of those countries. Although Honorary Consular Officers may perform the same duties as career consular officers, they are not accorded the full range of immunities, including the immunity from arrest, accorded to career consular officers.
- F. Consular Premises. The consular premises include that area which is used exclusively for work of a consular post. This area may not be entered without explicit permission from the head of the consular post, or his designee. This is not true of an honorary consulate (permission to enter a consulate may be presumed in case of fire or other disaster requiring prompt protective action). Law enforcement personnel have an obligation to take all appropriate steps to protect consular premises against any intrusion or damage, and to prevent any disturbance of the peace of the consular post, or the impairment of its dignity.
- G. Consular Archives, Records, Documents, and Correspondence. These are the official working papers of the consular post, including an honorary consulate. They are inviolable at all times, wherever they may be. The official correspondence relating to the consular post and its functions are inviolable. NOTE: That portion of an honorary consul's records which are entitled to inviolability must be separate from other records, and must be devoted exclusively to consular activities.
- H. Official Guests. Official guests are foreign nationals present in the United States at the invitation of the United States, and so designated by the U.S. Secretary of State. They normally carry letters of introduction or other documentation, identifying them as official guests of the U.S. Government.

IV. PROCEDURE

The following examples are to be utilized as guidelines in dealing with any of the aforementioned Consular Officers. In cases such as these, the Watch Commander or an officer of higher authority should be notified that such contact has been made, and his advice on the matter should be sought.

- A. Moving Traffic Violations. When a Consular Official is stopped for a traffic violation and presents his credentials (he may or may not have Consular Corps plates on his car), the police officer should take into consideration, not only the delicacy of the situation, but also the immunities due the Consular Officer. It is generally inappropriate to issue a citation, but rather, to point out the dangers involved in the infraction and allow the Consular Official to proceed. In a particularly aggravated case, a citation can be issued. If the official refuses to sign the citation, the word "Refused" should be written across the face of the citation, and it should be forwarded to the Chief of Police, along with a written report concerning the incident. NOTE: The issuance of a traffic citation under these circumstances does not constitute either a detention or an arrest.

- B. Driving While Under the Influence. When a Consular Official is involved with the police in such a circumstance, it is a very delicate situation, at best. It should be handled by the police officer with the utmost tact. The police officer's primary emphasis should be toward assuring the Consular Officer that his and the public's safety are the principal concern. There should be no arrest. The most desirable actions are, in order of preference:
 - 1. Get him to a telephone so he can ask someone to pick him up;
 - 2. Take him home;
 - 3. Call a taxi for him; or
 - 4. Take him to the station or to some other location where he can recover sufficiently to permit him to drive safely home. If he is taken to the station, he should not be put into a cell or into any kind of confinement while there, though he can be transported in the back of the police unit.

- C. Offenses Involving Family Members of a Consular Officer. This, too presents a delicate situation. Family members of a Consular Officer do not, in general, have immunity from arrest. However, appropriate consideration should be given to them as special foreign residents or visitors in our Country. A violation should be handled, when possible, through the seeking of a complaint. If the relative is a juvenile, the juvenile should be released to the parent Consular Officer, in accordance with our Department's procedures for such cases.

V. COMPLYING WITH PENAL CODE SECTION 834C

- A. California Penal Code section 834c requires every peace officer upon arrest and booking or detention for more than two hours of a known or suspected foreign national to advise the individual of his or her right to contact an official from the consulate of the individual's country.
 - 1. It shall be the policy of this department that upon detention or booking of a known or suspected foreign national or an individual who identifies themselves as a citizen of a foreign country, held for longer than two hours, be immediately advised of their right to be allowed to contact the consulate of the individual's country.

Chapter	11
Section	11.18
Title	Arrests, Detentions and Bookings
Subject	Temporary Holding Rooms
Effective Date	05/01/2019
Revision Date	4/01/2019
Revised By	Captain Marcelo A. Blanco
Authorized By	Chief Darren L. Goodman

I. POLICY

It is the policy of this Department to comply with minimum jail standards as set forth in Title 15 of the California Code of Regulations.

II. PURPOSE

- A. It is the purpose of the Upland Police Department to provide a constitutional, safe, secure, humane, just and fair facility which will be considered an appropriate place for the temporary detention of persons charged with crimes that require their incarceration.
- B. The Upland Police Department shall meet or exceed standards established by the California Board of Corrections regarding the operation, staffing and management of the temporary holding facility.
- C. Unless otherwise described in Article 6 of this manual, all procedures apply to adults and juveniles who are detained in the holding cell facility.

III. DEFINITION

The temporary detention facility operated by the Upland Police Department is identified by the California State Board of Corrections as a temporary holding facility. This is a facility used for the confinement of persons for twenty-four (24) hours or less pending their release, transfer to another facility, or appearance in court.

IV. RATED CAPACITY OF HOLDING CELLS

The Board of Corrections has determined that the Upland Police Department Temporary Holding Facility has a capacity of 12 prisoners. Cell capacities are as follows:

Cell #1 Holding Cell	4 prisoners maximum
Cell #2 Holding Cell	4 prisoners maximum
Cell #3 Holding Cell	4 prisoners maximum

V. ARTICLE 1. GENERAL INSTRUCTIONS

A. DEFINITIONS: As set forth in Title 15 of the California Code Regulations, the following definitions shall apply:

1. "Administrative Segregation" means the physical separation of different types of inmates from each other as specified in Penal Code Section 4001 and 4002, and Section 1053 of these regulations. Administrative segregation is accomplished to provide that level of control and security necessary for good management and the protection of staff and inmates.
2. "Contact" means any physical or sustained sight or sound contact between juveniles in detention and incarcerated adults. Sight contact is clear visual contact between adult inmates and juveniles within close proximity to each other. Sound contact is direct oral communication between adult inmates and juvenile offenders.
3. "Custodial personnel" means those officers with the rank of deputy, correctional officer, patrol persons, or other equivalent sworn or civilian rank whose primary duties are the supervision of inmates.
4. "Developmentally disabled" means those persons who have a disability which originates before and individual attains age 18, continues, or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This term includes mental retardation, cerebral palsy, epilepsy, and autism, as well as disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals.
5. "Direct Visual observation" means direct personal view of the inmate in the context of his/her surroundings without the aid of audio/video equipment. Audio/video monitoring may supplement but not substitute for direct visual observation.
6. "Emergency" means any significant disruption of normal facility procedure, policies, or activities caused by a riot, fire, earthquake, attack, strike, or other emergent condition.
7. "Emergency medical situations" means those situations where immediate services are required for the alleviation of severe pain, or immediate diagnosis and treatment of unforeseeable medical conditions are required, if such conditions would lead to serious disability or death if not immediately diagnosed and treated.

8. "Facility/system administrator" means the sheriff, chief of police, chief probation officer, or other official charged by law with the administration of a local detention facility/system.
9. "Facility watch commander" means the individual designated by the facility manager to make operational decisions during his/her work hours.
10. "Health Authority" means that individual responsible for health care services pursuant to a written agreement or job description. A health authority could include a county/city health officer, physician. Final medical decisions rests with a single designated responsible physician.
11. "Local detention facility" means any city, county, city and county, or regional jail, camp, court holding facility, or other correctional facility, whether publicly or privately operated, used for confinement of adults or of both adults and minors, but does not include that portion of a facility for confinement of both adults and minors which is devoted only to the confinement of minors.
12. "Non-secure custody" means that a minor's freedom of movement in a law enforcement facility is controlled by the staff of the facility; and
 - a. The minor is under constant direct visual observation by the staff;
 - b. The minor is not locked in a room or enclosure; and,
 - c. The minor is not physically secured to a cuffing rail or other stationary object.
13. "People with disabilities" includes, but is not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that does not include substance use disorders resulting from current illegal use of a controlled substance.
14. "Rated capacity" means the number of inmate occupants for which a facility's single and double occupancy cells or dormitories, except those dedicated for the health case or disciplinary separation housing, were planned and designated in conformity to the standards and requirements contained in Title 15 and in Title 24.
15. "Safety checks" means regular, intermittent and prescribed direct, visual observation to provide for the health and welfare of inmates.
16. "Secure custody" means that a minor being held in temporary custody in a law enforcement facility is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object.
17. "Sexual abuse" has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012)

18. "Sexual harassment" has the same meaning as 28 C.F.R. Section 115.6 (June 20, 2012

19. "Temporary holding facility" means a local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility, or appearance in court.

(ref. CCR, Title 15, Sec. 1006)

VI. ARTICLE 2. INSPECTION AND APPLICATION OF STANDARDS

A. PROCEDURES

1. TEMPORARY HOLDING FACILITY TRAINING: Custodial personnel who are responsible for supervising inmates in, and supervisors of, the temporary holding facility shall complete eight (8) hours of specialized training within the first six months of assignment. In addition, custodial personnel who are responsible for supervising inmates in, and supervisors of, the temporary holding facility shall complete eight (8) hours of cumulative training on Title 15, Section 1024 inclusive with other related fields every two years. A written test relating to temporary holding facilities will be administered in conjunction with the Title 15 training. Such training shall include, but not be limited to:

- 1) Applicable minimum jail standards
- 2) Jail operations liability
- 3) Inmate segregation
- 4) Emergency procedures and planning
- 5) Suicide prevention

a. Such training shall be completed as soon as practical, but in any event not more than one year after the date of assigned responsibility or the effective date of these regulations. (ref. CCR, Title 15, Sec. 1024)

B. USE OF THE CELLS

As a "temporary holding facility," the cells at the Upland Police Department are to be used for the confinement of persons for 24 hours or less pending release or transfer to another facility. Under no circumstances are they to be used overnight, or in excess of six (6) hours with minor prisoners.

1. Cell capacity for each holding cell will not exceed four (4) prisoners. Total holding capacity is twelve (12) prisoners. Whenever possible, one cell should be used for each prisoner to avoid physical conflicts.
2. The capacity for the booking cage will not exceed four (4) prisoners and will be used only during the booking process.
3. Officers who place an inmate in a booking cage shall remain in the booking room area while the inmate is in the booking cage.

C. COMMAND AND SUPERVISION

The administration of the Upland Police temporary holding facility is the primary responsibility of the Chief of Police. The supervision, management and control of the jail are vested in the Commander of the Administrative Division. The Commander will be responsible for reviewing and updating the Holding Facility Procedure Manual annually. A memo documenting the review shall be sent to the Chief of Police. A copy of the memo shall be placed with the Temporary Holding Facility Manual stored in the Watch Commander's Office.

D. PERSONNEL ASSIGNMENTS

1. Watch Commander Responsibilities. The Watch Commander shall be responsible for recommending procedures to the Patrol Division Commander for overall operation of the facility and for insuring that facility policy and procedures are being followed on their shift. The Watch Commander may delegate custodial duties but not supervisory responsibilities. The Watch Commander shall have the overall supervisory responsibility for all prisoners even when the officer is present with the prisoner. While there are prisoner(s) in the facility and the booking officer is not physically present with the prisoner, a sworn member of the Department is responsible for monitoring the prisoner(s) by use of the audio and video monitors within the Watch Commander's Office.

The Watch Commander shall ensure that a sworn member of the Department is present in the Upland Police building at all times when a prisoner is in the holding cells. Whenever one or more female inmates are in custody, there shall be at least one female employee who shall be immediately available and accessible to such females. (ref. CCR, Title 15, Sec. 1027)

2. Booking Officer Responsibilities.

- a. It is the responsibility of the officer bringing a prisoner into the facility to search their prisoner upon entering the facility. The officer will notify the Watch Commander that there is a prisoner in a cell.
- b. All arrestees will be completely searched prior to being placed in a cell. If the arrestee is a female, the officer shall have her searched by a female employee upon arrival at the police station.
- c. The officer shall remove the arrestee's property, complete a property inventory sheet and have the arrestee sign the inventory sheet. The property shall be secured in a locked property drawer. The locker and cell number shall be entered on the daily arrest log along with identifying information on the arrestee. Upon the arrestee's release or transfer to a county booking facility, the officer shall have the arrestee sign the property inventory sheet indicating receipt of his/her property.

The property sheet shall be completed in duplicate. The original and copy of the property sheet shall accompany the case report.

- d. The officer shall remove all of their weapons (including knives and chemical weapons) and lock the items in the patrol car trunk or the weapon storage locker.
- e. The arrestee's belt, shoes, necklace(s) and any other items that the arrestee could use to harm himself/herself will be taken and stored. Be sure to remove any item that can be used as a weapon or to damage the cells. When describing jewelry, follow these guidelines:
 - 1) The color of jewelry is white metal or yellow metal NOT silver or gold. The color of stones is clear or red, not diamonds or rubies.
- f. A medical screening will be conducted on all arrestees, adult or juvenile, prior to locking the arrestee into a holding cell. The screening must be documented on the medical screening form. Follow the guidelines in Article 7: Jail Medical Procedures.
- g. The officer will take custody of any evidence or contraband found on the arrestee. The items confiscated will be logged on the property form by the arresting officer then tagged into Evidence.
- h. Prior to placing the arrestee in the holding cell, have the arrestee remove his/her socks and/or stockings and turn them inside out to check for contraband. The socks may be returned to the arrestee.
- i. Prior to placing the arrestee in a cell, the officer shall inspect the cell for damage and items that may have been left behind. If new damage is done by the arrestee, he/she will be charged with the offense. The officer will notify the Watch Commander of the damage, take a photograph, interview the arrestee and fill out a building maintenance repair request.
- j. The booking officer shall not leave the Upland Police building unless the officer ensures another sworn member of the Department is present in the building and monitoring the prisoner for the duration of the prisoner's detention in the building.
- k. No person under 18 years of age, regardless of the circumstances will be held in the same cell with an adult arrestee.
- l. Combative persons will be booked at WVDC
- m. An arrested mentally disabled person will be committed to a local psychiatric ward under authority of W&I 5150.

- n. The door to the occupied cell shall be locked. When not in use the key shall be kept in the lock.
- o. Blankets shall be provided if requested. They shall be stored in the equipment room when not in use. They must be turned in for washing after each use.
- p. In keeping with Penal Code Section 2656, an arrestee having an orthopedic or prosthetic appliance shall not be deprived of possession or use of same if it was prescribed or recommended and fitted by a physician.
 - 1) If the officer has probable cause to believe possession of the appliance constitutes an immediate risk to any person in the facility or threatens the security of the facility, it may be removed.
 - a) If such facts cease to exist, the appliance shall be returned to the arrestee.
 - 2. Matron Responsibilities. There shall be female personnel on duty, readily available and trained for jail searches or restroom access, when needed, and at all times. Dispatchers who have received matron training may be used for this purpose. The dispatch supervisor is responsible for obtaining training via the training coordinator for all untrained dispatchers.
 - 3. Access to Attorneys. Whenever access is given for an attorney visit in the holding area, the audio and video surveillance shall not be used. For the safety of the attorney, a member of the Department shall remain in the holding area anytime the prisoner is outside of the cell. The prisoner and attorney may use the interview room with the door closed during their consultation. The prisoner must be searched again before being returned to the cell.

VII. FIRE AND LIFE SAFETY STAFF (ref. CCR Title 15, Sec. 1028, 1029)

- a. Policy: Whenever there is a prisoner in custody, there shall be at least one employee on duty at all times who shall be knowledgeable in the area of fire and life safety in the case of an emergency.
- b. Purpose: The purpose is to provide for protection against fire injury and life safety of prisoners.
 - 1. Fire: There are two dangers associated with fire in a detention facility:
 - 1) Damage to persons and property caused directly by the fire itself.
 - 2) Damage to persons and property caused by smoke and toxic substances.
 - 3) Both dangers must be recognized in any fire situation. Since the second danger may be difficult to assess under emergency conditions, ALL FIRES ARE TO BE TREATED AS EXTREMELY DANGEROUS.

2. Life Safety:

In the event of a fire or other hazards in the detention facility, the Watch Commander is responsible for the safety and security of all persons in custody at the time of the occurrence.

a. Procedure

1. Fire - Responsible Party Action.

- 1) The Watch Commander shall be immediately notified and Dispatch shall notify the Fire Department at the direction of the Watch Commander or other personnel on scene.
- 2) Dispatch shall be prepared to route units as needed to the parking lot area for possible prisoner evacuation and/or maintain security of prisoners moved to the parking area.
 1. The evacuation procedure and route is posted in the hallway outside the booking cells.
- 3) The Watch Commander or other on scene personnel will immediately determine the extent and cause of the fire and smoke hazard.
 - a) For small fires, apply local fire suppression techniques using available extinguishers
 - b) For larger fires and smoke hazards, evacuation of prisoners may be necessary.
 - c) In either case, the Fire Department shall be called to check for cause and act appropriately.
 - d) All police personnel should be familiar with the location of fire alarms, fire extinguishers and evacuation procedures.
- 4) The Watch Commander will be responsible for the decision to evacuate prisoners. He will coordinate with Dispatch for the use of sworn personnel to evaluate the prisoners.
- 5) In the event that the detention premises are rendered uninhabitable by fire, smoke or other hazard, the Watch Commander is responsible for making arrangements for transportation of prisoners to West Valley Detention Center.

3. Life Safety - Responsible Party Action.

The Watch Commander and such other personnel as may be directed by the Watch Commander shall immediately render first aid assistance to any prisoners injured or disabled in the occurrence of a fire. In the event of any injury, the Fire Department is to be immediately notified by dispatch upon the request of the Watch Commander.

- 1) Fire Suppression Preplanning. The Upland Police Department Holding Facility is equipped with automatic fire sprinklers in the booking area and inside each cell. The fire protection equipment is monitored on a 24-hour basis. All cells are monitored by sound and video equipment on a 24-hour basis. A garden hose is available outside the booking area, and a fire extinguisher is located in the cabinet above the booking counter in the booking area.
 - a) A fire prevention inspection will be conducted monthly by the Administrative Division Commander or his designee. The fire prevention inspection shall consist of an examination of all sprinkler heads and smoke detectors to ensure that they are intact, an examination of the fire extinguisher shall ensure that it is in place and fully charged, a check of the garden hose and hose bib shall ensure that they are in place and fully functional, and an inspection of the facility for any fire hazards. In addition, the Division Commander will ensure that exits are not blocked and lights are working properly. The inspection records shall be retained for at least 3 years.
 - b) An annual fire inspection will be conducted with the assistance of the Fire Marshal. This inspection shall include items in the monthly inspection, plus a test of the fire alarms and sprinkler system.
 - c) During the annual fire inspection all fire extinguishers will be checked for current inspection. In case of a fire, the on-duty Watch Commander shall have the facility evacuated. After inspection of the facility to ensure all prisoners have been removed from their cells, prisoners shall be escorted through the north doors outside into the parking lot. Prisoners shall be maintained in this area until it is safe to return or they are transported to the County Jail.
 - d) In case of a natural disaster, such as a flood or earthquake, the on-duty Watch Commander shall have the responsibility to ensure the safety of all prisoners. If after inspection of the facility, it is deemed unsafe for habitation, the facility shall be evacuated as outlined above.
- 2) Earthquake and Other Natural Disasters. In case of any earthquake or other natural disaster where damage is obvious, it will be the responsibility of the Watch Commander to ensure the safety of all prisoners confined in the Upland Police Department Detention Facility.
- 3) Power Failure. In the event of power failure in the detention facility, the emergency generator will automatically restore the power.
 - a) In the event of total power failure, where the emergency generator does not restore power, the Watch Commander or his designee shall remain in the area of the detention facility. The Watch Commander is responsible for notifying the

appropriate city or utility company personnel to restore power. The Watch Commander may order an evacuation if necessary. The detention facility shall be equipped with battery powered emergency lighting. The detention facility shall have the lights maintained and periodically inspected by the Patrol Division Commander or his designee.

- 4) Escapes, Disturbances, Taking of Hostages and Civil Disturbances. When it has been determined that any of the above listed occurrences are either taking place or about to take place, any officer or employee who becomes aware of the occurrence shall immediately notify the Watch Commander. The Watch Commander shall assess the severity of the occurrence and take necessary steps to assure the safety of employees and prisoners who are not involved in the occurrence. The Watch Commander shall summon the personnel he deems necessary to isolate the occurrence and attempt to keep it from spreading to non-involved prisoners.
 - a) If the occurrence is of a minor nature that can be handled immediately, it shall be brought to a close. The Watch Commander shall cause to have written an incident report, along with any other reports, outlining the circumstances and action taken.
 - b) If it is determined that the occurrence is of a more serious nature, especially if the occurrence involves the potential of serious injury or death to any employee, prisoner, or citizen, the Watch Commander shall notify the Chief of Police as soon as possible.
 - c) The Chief of Police and the Watch Commander will then determine what steps will be taken to bring the incident to a close with the least possible threat of injury or death to anyone.
 - d) In case of a hostage situation, a S.W.A.T. Team and hostage negotiator shall be summoned.
 - e) Once the occurrence has been brought to a close, the Watch Commander shall cause a report to be written.
 - f) **NOTE: IN NO CASE SHALL AN EMPLOYEE OF THE UPLAND POLICE DEPARTMENT INFLICT ANY FORM OF PUNISHMENT ON ANY PRISONER NO MATTER WHAT THE PRISONER HAS DONE, NOR SHALL ANY EMPLOYEE OF THE UPLAND POLICE DEPARTMENT ALLOW ANOTHER PRISONER TO INFLICT ANY FORM OF PUNISHMENT ON A FELLOW PRISONER.**
- 5) MASS ARRESTS EXCEEDING HOLDING FACILITY CAPACITY

In the event of a group arrest that would exceed the maximum capacity of the Upland Police Department Temporary Holding Facility, the excess arrestees shall be transferred, as soon as possible, to a San Bernardino County Sheriff's Department Detention Center, or released on a written promise to appear, if applicable.

- a) If a pre-planned event involving an anticipated high number of arrestees is scheduled; the Watch Commander or Incident Commander should arrange for additional staffing, and or facilities to accommodate booking and additional transportation needs.

VIII. POLICY AND PROCEDURE MANUAL (ref. CCR, Title 15, Sec. 1029) Refer to the Upland Police Department Policy and Procedure Manual for the following:

- a. Table of organization, including channels of communications. (Chapter 1)
- b. Inspection and operations of the temporary holding facility. (Chapter 5)
- c. Policy on the use of force. (Chapter 4)

IX. JAIL CHECKS (ref. CCR, Title 15, Sec. 1029)

- a. Non-intoxicated Inmates. Non-intoxicated inmates should be checked at least every hour.
- b. Intoxicated Inmates. An arrestee who displays high level of intoxication drug or alcohol, i.e. difficult to arouse, irregular breathing, vomiting, shall be considered a medical emergency and will not be held at the holding facility. Medical personnel shall respond for treatment and determine if hospitalization is necessary.
- c. Arrestees with lower levels of intoxication may be housed in the holding facility. These inmates should be checked every thirty- (30) minutes. Each observation shall include:
 - 1. A check of the inmate's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the person is having difficulty breathing. Loud and labored snoring may indicate difficulty in breathing.
 - 2. An observation of inmate to ensure that there has been no vomiting while asleep. Ensuring that the inmate remains on their side rather than their back will prevent the aspiration of stomach contents.
 - 3. An arousal of the inmate to ensure that the person will respond to verbal or pressure stimulation. This should be accomplished by calling to the inmate, shaking them awake or loud noises.
 - 4. Any inmate who displays symptoms suggestive of a deepening coma, difficult to arouse, with irregular snoring and/or breathing patterns, or has convulsions, shall be considered a medical emergency. Medical personnel should be summoned and the person should be evaluated for possible removal to a hospital.

- d. Inmates in Restraints. Inmates who must be placed in restraints while in custody shall be transported to the proper facility.
- e. Inmates with Medical Conditions. Medically cleared inmates with medical or psychiatric conditions will be checked every 30 minutes.
- f. NOTE: ALL JAIL CHECKS SHALL BE RECORDED ON THE UPLAND POLICE DEPARTMENT JAIL CHECK LOG.

X. ARTICLE 3. RECORDS AND PUBLIC INFORMATION

A. POPULATION ACCOUNTING (REF. CCR, Title 15, Sec. 1040)

- 1. A booking log shall be maintained in the booking area. Information from this log shall be forwarded by Records personnel to the Department of justice, no less than once each calendar month.

B. HOLDING CELL INSPECTION PROCEDURE/ DAILY ARREST REPORT

- 1. It is the police officer's responsibility to conduct a complete search of the arrestee prior to placing him/her into the detention cells. Officers are also responsible for conducting a complete inspection of the cell prior to placing the detainee inside and again upon the removal of the arrestee.
- 2. In an effort to hold suspects accountable for contraband discarded or hidden in the cells, the Daily Arrest Report allows a space for the cell numbers (1, 2 or 3) and property drawer numbers. It is the responsibility of each officer to enter the cell number and property drawer number on the Adult Booking Log and/or Juvenile Arrest Log used in connection with the arrestee's confinement.

C. INCIDENT REPORTS (ref. CCR, Title 15, Sec. 1044)

- 1. Policy. It is the policy of the Upland Police Department that any incident which results in physical harm, which is a serious threat of physical harm, or which results in death to an employee or prisoner, while the prisoner is in the custody of the Upland Police Department, will be documented, investigated and prosecuted as necessary. The initial report will be submitted to the Chief of Police within 24 hours of the incident.
- 2. Purpose. The purpose of this policy is to provide employees and prisoners with a procedure to report incidents and a procedure to make changes, if necessary, to prevent any recurrence.

3. Procedure

a. Physical Harm

- 1) In the event of physical harm to employee or prisoner, the Watch Commander shall be immediately notified.
- 2) Medical attention will be given as needed.
- 3) The case will be sent to the District Attorney for appropriate prosecution.

b. Serious Threats of Physical Harm

- 1) In the event of a serious threat of physical harm, the Watch Commander shall be immediately notified.
- 2) A case will be sent to the District Attorney for evaluation and prosecution as necessary.
- 3) The San Bernardino County Sheriff's Homicide Bureau shall be contacted to conduct an independent investigation into all in-custody deaths.

a. Deaths (ref. CCR, Title 15, Sec. 1218)

1. In the event of the death of a prisoner while in custody at the Upland Police Department, the Watch Commander, Chief of Police, Detective Bureau Commander and Patrol Division Commander shall be immediately notified.
2. The Detective Bureau Commander will oversee our investigation and submit a detailed report to the Chief of Police.
3. An initial review of the in-custody death shall be completed within 30 days of the death. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

4. California Government Code Section 12525 requires that in any case in which a person dies in custody of a law enforcement agency or a local or state correctional facility, the agency shall report in writing to the California Attorney General, within 10 days after the death, all facts in their possession concerning the death. Since this legislation does not specify a standard reporting form, the written reports may consist of incident reports, coroner's reports, death certificates, and other reports containing information relating to the death. The Bureau of Criminal Statistics (BCS) is responsible for maintaining the death in-custody reports submitted to the Attorney General.
 - a) Death in-custody reports should be forwarded to:
Bureau of Criminal Statistics
Statistical Data Center
P.O. Box 903427
Sacramento, CA 94203-4270
 5. If a minor, under the age of 18 years old, dies while in custody of a law enforcement agency, the agency shall submit a report in writing, within ten (10) days to:
State Board of Corrections
600 Bercut Drive
Sacramento, CA 95814-0185
 6. A review of policy, screening forms, and procedures will be conducted by a committee selected by the Chief of Police.
4. The Watch Commander will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held at the Upland Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:
 - a. Immediate notification of the on-duty supervisor, Chief of Police and Watch Commander.
 - b. Notification of the parent, guardian or person standing in loco parentis, of the juvenile.
 - c. Notification of the appropriate prosecutor.
 - d. Notification of the City attorney.
 - e. Notification to the coroner.

- f. Notification of the juvenile court.
- g. In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).
- h. A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.
- i. Evidence preservation

XI. ARTICLE 4. CLASSIFICATION AND SEGREGATION

A. SEGREGATION OF PRISONERS (ref. CCR, Title 15, Sec. 1029, 1050)

- a. Non-medical Segregation. Males and females shall be confined separately. Female prisoners shall be so kept that they cannot be seen by male prisoners. Conversations between male and female prisoners will be kept to a minimum.
 - 1) Juveniles shall not be confined with adults. (Refer to Article 6: Handling of Minor). Misdemeanants and felons shall not be confined in the same cell together.
- b. Medical Segregation. At the time of intake, the processing officer is required to inquire as to the existence of certain specified communicable diseases or special medical problems. (Refer to Jail Medical Procedures in this manual). All disease conditions are presumed serious and potentially contagious.
 - 1) While in our holding facility the inmate will be segregated from other inmates. Inmates having a communicable or contagious disease shall be transported from the facility, at once. (ref. CCR, Title 15, Sec. 1051).
- c. Administrative Segregation. All inmates exhibiting symptoms of violent or potentially violent behavior likely to be a danger to themselves or others are to be segregated from other prisoners while in this facility. They should be transported to the main jail immediately.
 - 1) Other inmates who should likely require administrative segregation include:
 - 2) Escape risks
 - 3) Assaultive behavior personalities
 - 4) Aggressive and overly passive homosexuals
 - 5) Mentally deficient personalities
 - 6) Especially shy or withdrawn personalities
 - 7) Inmates exhibiting emotional instability
 - 8) Sexual deviates charged with serious crimes

9) Rival gang members

10) Individuals in custody for assaulting each other. (ref. CCR, Title 15, Sec. 1053).

d. Developmentally Disabled Inmates. An inmate that appears to be a danger to himself or is gravely disabled shall not be detained in this facility. All developmentally disabled inmates shall be segregated while awaiting transport to other facilities. (Refer to Jail Medical Procedures in this manual).

1) All developmentally disabled or mentally deficient inmates are to be provided safe and humane treatment whenever they are in custody in this facility. They may be released to the Inland Regional Center for Developmentally Disabled at (909) 370-0902 or booked at the County jail.

2) Some indications of developmental disability are:

a) Slow in answering questions.

b) Difficulty following more than one direction at a time.

c) Difficulty recalling their full name, address, phone number, etc.

d) Inability to read, tell time, or sign their name.

e) Inability to count coins correctly.

f) They may tell you they are a slow learner, attend special classes, or workshops for the handicapped.

g) Poor speech or motor coordination.

h) May have seizures or seizure medication. (ref. CCR, Title 15, Sec. 1057).

e. NO FORM OF SEGREGATION SHALL RESULT IN THE DENIAL OF ANY CUSTOMARY JAIL BENEFITS.

B. USE OF RESTRAINT DEVICES (ref. CCR, Title 15, Sec. 1058)

1. Force shall never be used on a prisoner as a means of punishment by any member of the Police Department. However, members of the Upland Police Department may use reasonable force as necessary to overcome physical resistance offered by a prisoner in disobedience of a lawful order.

2. Officers are reminded they are not to leave the suspect in the "face down" Total Appendage Restraint Procedure (T.A.R.P.) position, as he/she has a high probability of dying due to the combination of cocaine psychosis/excited delirium and postural asphyxia. Restraint and transportation of the suspect will be done in accordance with Upland Police Department Policy and Procedure, Chapter 5, Section 10, "Prisoner Restraint Devices."

A. The law enforcement community has experienced several in-custody deaths associated with the application of the Braided Rope Hobble Restraint on violent, combative suspects. Autopsies have revealed the following three phenomena:

1. Cocaine Psychosis - The presence of cocaine in the suspect's body fluids, coupled with violent behavior causing an overload and over-stimulation of vital bodily functions, such as respiration and demand for oxygenated blood, resulting in heart failure and death.
2. Excited Delirium - Primarily occurs in violent, mentally ill suspects and those suffering altered states of consciousness from ingestion of stimulants.
3. Postural Asphyxia - This occurs while a suspect is lying face down in a Total Appendage Restraint Procedure, (T.A.R.P.). This face-down position restricts the suspect's ability to breathe properly. The tightly bound legs constrict the flow of blood in the major muscle groups of the legs. These factors can contribute to the individual's death.
 - a. A suspect left in the "face down" T.A.R.P. position has a high probability of dying due to the combination of cocaine psychosis/excited delirium and postural asphyxia.
4. Ripp Hobble
 - a. The Braided Rope Hobble contributes to the risk of postural asphyxia phenomena and, therefore, no longer is authorized by this Department.
 - b. Whenever a combatant prisoner has to be restrained, the Ripp Hobble is the only approved and authorized Hobble Restraint allowed by this Department.
 - c. The alligator locking clip on the Ripp Hobble allows the device to be carried in the ready position at all times. This clip also prevents the Hobble from slipping.
 - d. The Ripp Hobble provides the ability to hobble legs, T.A.R.P. suspects, transport a hobbled suspect while sitting down, and application of the Batwing Technique.
 - e. All restrained suspects must be closely monitored for any signs of difficulty in breathing and should not be placed face down, if possible.
 - f. Suspects who exhibit difficulty in breathing, or who may have expended a great deal of energy while being restrained, shall be transported by ambulance for medical evaluation.

3. The Pro-Restraint Chair is used to secure and limit movement of inmates who display behavior that results in the destruction of property or reveals intent to cause physical harm to self or others and who needs a confining environment and close supervision. In addition, the Pro-Restraint Chair may be used for resistive suspects requiring forced blood draws. It shall not be used for compliant suspects.

1. Pro-Restraint Chair

1. The Pro-Restraint Chair shall only be used by properly trained personnel and supervisory approval is required prior to placing an inmate in the chair. Training shall consist of a training exercise and a demonstration.
2. Inmates shall only be secured in the Pro-Restraint Chair using the manufacturer's instructions and approved techniques. The Pro-Restraint Chair with a carriage shall only be operated according to manufacturer's instructions. Inmates shall not be left unattended in the Chair with the carriage wheels engaged.
3. Anytime an inmate is placed in the Pro-Restraint Chair, the approving supervisor's name, and the date and time, must be documented on the cell log.
4. When placing an inmate in the Chair, pull all restraining straps tight. Loose straps could result in an inmate being able to free themselves.
5. Keep the chair away from walls and other obstructions. Persons in the Chair may injure themselves by moving their heads to strike walls and obstructions.
6. Use caution when securing chest straps. The inmate may be able to strike the officer(s) with their head and/or attempt to bite.
7. Make sure the chest straps go across the upper arms (biceps) area and not over the collarbone or shoulders of the restrained inmate.
8. Use caution when securing the leg strap, as the inmate may be able to kick the officer(s).
9. When necessary to secure violent/resistive inmates, use only Department approved control holds until the wrists are secured. Always double lock handcuffs.
10. If the restrained inmate is handcuffed behind their back while in the Pro-Restraint Chair, the officer(s) must remove the handcuffs at least every 30 minutes and allow the restrained person to exercise their arms and wrists. It is preferred to restrain the inmate by utilizing the handcuffs on the side of the chair.

11. When an inmate is handcuffed behind their back, while in the chair, the back support should be removed.
 12. If the restrained inmate is handcuffed to the sides of the chair, they shall be allowed to exercise their arms every hour.
 13. When an inmate is handcuffed to the sides of the chair, the back support needs to be placed in the chair.
 14. Document on the cell log all movement given to the restrained inmate.
 15. Offer the restrained person water every hour and document it on the cell log. Indicate whether the offer of water was accepted or refused.
 16. Direct visual observation must be made every 15 minutes and documented on the cell log.
4. Any time physical force is used by any member of the Upland Police Department, the Watch Commander must be notified immediately. A written report shall be prepared by the person using the physical force.
 5. Once an incoming prisoner has their handcuffs taken off, no restraint equipment shall be placed on that prisoner without permission of the Watch Commander except for the following conditions.
 - a. Transporting to another detention facility.
 - b. Releasing of prisoners to another agency.
 - c. Taking prisoners into the field by Detective Bureau personnel for follow-up investigation.
 - d. Securing the prisoner while in the booking room so that he/she may not harm him/himself or others.
6. Pregnant Inmates: (Ref CCR, Title 15, Sec. 1058.5)(Cal. Penal Code 3407)
 - a. An inmate known to be pregnant or in recovery after delivery shall not be restrained by the use of leg irons, waist chains, or handcuffs.
 - b. A pregnant inmate in labor, during delivery, or in recovery after delivery, shall not be restrained by the wrists, ankles, or both, unless deemed necessary for the safety and security of the inmate, officers, staff, or the public.
 - c. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant inmate during a medical emergency, labor, delivery, or

recovery after delivery determined that the removal of restraints is medically necessary.

- d. Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

XII. ARTICLE 5. INMATE PROGRAMS AND ACTIVITIES

A. ACCESS TO TELEPHONE (ref. CCR, Title 15, Sec. 1067). Penal Code Section 851.5 lists the rights of an arrested person to make telephone calls.

1. Immediately upon being booked and except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as described in Section 2 below.
 - a. The arrested person shall be entitled to make at least three such calls at no expense if the calls are completed to telephone numbers within the local calling area.
2. At any police facility or place where an arrestee is detained, a sign containing the following information in bold block type shall be posted in a conspicuous place:
 - a. That the arrestee has the right to free telephone calls within the local dialing area or at their own expense if outside the local area, to three of the following:
 - 1) An attorney of their choice or, if they have no funds, the public defender or other attorney assigned by the court to assist indigents, whose telephone number shall be posted. This phone call shall not be monitored, eavesdropped upon, or recorded.
 - 2) A bail bondsman.
 - 3) A relative or other person.
3. These telephone calls shall be given immediately upon request, or as soon as practical.
4. This provision shall not abrogate a law enforcement officer's duty to advise a suspect of their right to counsel or of any other right.
5. Any public officer or employee who willfully deprives an arrested person of any right granted by this section is guilty of a misdemeanor.
6. Upon completion of an arrested person's telephone calls, the following information will be placed on the booking sheet.
 - a. Person called.

- b. Telephone number called.
- c. The time of the telephone call.
- d. This information will be entered and initialed by the officer supervising the call.
- e. Every effort shall be made to allow the arrested person to complete telephone calls at this station prior to the transfer to another agency.

B. DISCIPLINE - POLICY/PROCEDURE

1. Discipline is not administered in the facility.

C. ARRESTEE'S WELFARE FUND

1. Arrestees are generally held for six (6) hours or less, thus, no welfare fund has been established.

D. COUNSEL AND COURT ACCESS

Due to the fact the Temporary Holding Facility is designed to hold arrestees for 24 hours or less, Six (6) hours is the standard operating procedure; most arrestees will not seek a visit from legal counsel. If an arrestee is to be transported to another facility, the arrestee may make arrangements to meet with an attorney at the other facility.

However, if an arrestee requests to see an attorney and makes arrangements for the attorney to come to the facility, the attorney shall be allowed a visit. Arrestees have a constitutional right to unimpeded access to attorneys and legal representation.

1. The arresting officer shall check the attorney's bar association card and driver's license.
2. Only bona-fide attorneys shall be allowed a visit.
3. All attorney visits shall be conducted in an interview room.
4. Two or more persons arrested for the same offense and represented by the same attorney may, at the attorney's request, be interviewed either individually or collectively.
5. An arrestee shall be considered a client of the attorney if the arrestee has requested his/her services, or if a friend or relative has sent the attorney to visit with the arrestee and the arrestee expresses a desire to see that attorney.
6. An attorney who visits his/her client shall not be accompanied by another person unless cleared by the Watch Commander. Attorneys shall not be allowed to interview clients of other attorneys without written permission of the attorney of record. Attorneys are legally entitled to privacy when consulting clients, therefore, the consultations shall be kept private.

XIII. ARTICLE 6 – HANDLING OF MINORS

A. CRITERIA

1. Only persons age 14 and older, who are taken into temporary custody on the basis of being described by Section 602 of the Welfare & Institution Code, and who present a serious security risk of harm to self or others, may be securely detained in lock-up. Minors who are taken into temporary custody on the basis of being described by Section 602 of the Welfare & Institutions Code, who are under the age 14, or even if age 14 or older, do not present a serious security risk or harm to self or others, may only be non-securely detained. Neither secure or non-secure detention, nor the combination of the two, may last more than six (6) hours.
2. Minors held in temporary custody may be placed in secure detention if they meet the following criteria:
 - a. The minor shall be 14 years of age or older.
 - b. There are facts or circumstances present that would lead a prudent peace officer to conclude that further criminal activity against persons or self-destructive acts, on the part of the minor, are likely, or that the minor may be at risk of harm if released. The minor must present a serious security risk of harm to themselves or others to be placed in secure detention.
 - c. A brief time is required to investigate the case; facilitate the release of the minor to a parent or guardian; or arrange for the transfer of the minor to an appropriate juvenile facility.
 - d. Factors to be considered when determining if the minor presents a serious security risk to self or others, include age, maturity, delinquent history, severity of the offense charged, behavior of the minor, availability of the staff to provide adequate supervision or protection of the minor, and the age, type, and number of other individuals detained at our facility.
 - e. Minors shall be informed of the following, at the time he/she is placed in a holding cell.
 - f. The purpose for placement in secure detention.
 - g. The expected duration of secured detention.
 - h. The maximum time allowed is six hours.

B. CARE OF MINORS IN TEMPORARY CUSTODY

1. Accessibility. The following are made available to all minors held in temporary custody.
 - a. Minors shall have access to toilets and washing facilities.
 - b. Minors shall have one snack upon request during term of temporary custody if the minor has not eaten within the past four- (4) hours or is otherwise in need of nourishment.
 - c. Minors shall have access to drinking water.
 - d. Minors shall have privacy during visits with family, guardian, and/or lawyer.
2. Minors in Locked Rooms. Minors placed in locked rooms will be provided the following.
 - a. Minors will be provided blankets and clothing, as necessary, to assure the comfort of the minor.
 - b. Minors will be permitted to retain and wear his or her personal clothing unless clothing is inadequate; presents a health or safety problem; or is required to be utilized as evidence of an offense.

C. CONTACT BETWEEN MINORS AND ADULT ARRESTEES

There is no contact between minors held in temporary custody and adult arrestees except as provided by Section D, Conditions of Secure Detention and Non-secure Custody, as follows.

D. CONDITIONS OF SECURE DETENTION AND NON-SECURE CUSTODY

Contact with adult arrestees and minors who are in secure detention or non-secure custody in the facility is restricted as follows.

1. No communication between minors and adult arrestees is allowed.
2. In situations where brief or accidental contact may occur, between minors and adults, such as booking or facility movement, facility staff (trained in the supervision of inmates) shall maintain a constant side-by-side presence with the minor or the adult to prevent sustained contact.

E. SUPERVISION OF MINORS HELD IN SECURE CUSTODY

1. Minors will receive constant auditory and video supervision by the facility staff.
2. Visual checks of the minor will be done no less than every 30 minutes and shall be documented. This shall be augmented by video surveillance by dispatch and a sworn member of the Department.
3. Males and females are not to be placed in the same locked room unless under direct supervision by staff of the facility.
4. Under no circumstance will a minor under age of 14 years be kept in a holding cell.

F. SUPERVISION OF MINORS IN NON-SECURE CUSTODY: Minors held in non-secure custody shall receive constant visual supervision by the staff of the facility.

G. LOG BOOKS

1. All officers who detain minors are required to complete the appropriate juvenile detention log, i.e. Secure Detention Log, Non-Secure Detention Log.
2. After completing the logs, the officer must take the log to his supervisor or Watch Commander for their written approval on the log. The approving supervisor or Watch Commander is responsible for insuring the entry is complete and appropriate for the particular detention.
3. The approving supervisor or Watch Commander who approves the last entry on the page shall insure that all entries are complete and shall write the ending date for the page in the upper right hand corner. They will sign the bottom of the page and leave it in the logbook. They will write the beginning date for the next page.
4. The Records Supervisor will inspect the logbooks, each Tuesday, and sign all completed pages. If the Records Supervisor discovers omissions, they will contact the individuals involved to insure completion before signing the page.
5. The logs shall normally be kept in the report writing room.

H. SECURE DETENTION OUTSIDE LOCKED FACILITY: It is the policy of the Upland Police Department not to secure minors to stationary objects.

I. INTOXICATED AND SUBSTANCE ABUSING MINORS

1. Any minor who displays outward signs of intoxication, or who is known or suspected to have ingested any substance that could result in a medical emergency, shall be medically cleared prior to being detained at the Upland Police Department.

Supervision of minors who have been cleared to enter the facility shall include safety checks no less than every 15 minutes until resolution of the intoxicated state. These safety checks shall be documented, with actual time of occurrence recorded. (TITLE XV, Section 1151).

- a. NON-SECURE DETENTION – The minor will be under constant personal observation by Department personnel
- b. SECURE DETENTION - Personal observations will be made every 15 minutes. Each observation shall be documented.

J. Serious Illness or Injury of a Minor in an Adult Facility

1. In the event of a suicide attempt, serious illness, injury or death of a minor in custody, certain notifications beyond those given to department staff must be made as soon as possible. Those notifications of such an event will include the court of jurisdiction and the parent, guardian, or person standing in loco parentis of the minor.

XIV. ARTICLE 7. MEDICAL/MENTAL HEALTH SERVICE

A. PROCEDURE WHEN ARRESTEE IS BROUGHT TO THE STATION AND LOCKED INTO A HOLDING CELL

1. Medical Screening

- a. The arresting officer will make a visual assessment of an arrestee prior to locking them into a holding cell to determine if the arrestee is injured or in pain. They will seek to recognize signs of fever, infection, and swelling, vermin or potential suicide and/or assault risk to staff or other arrestees.
- b. The arresting officer is required to complete a Medical Screening Form prior to placing an arrestee in a holding cell.
 - 1) Completed Medical Screening Forms Shall be Attached To the Investigating Officer's Report
- c. If the arrestee is in need of immediate medical care or medication, they shall not be held in a temporary holding cell. If a medical problem requiring immediate medical care or medication is detected in the medical screening, the arrestee should be transported to a medical facility.
- d. If an emergency occurs, the San Bernardino County Fire Department and current ambulance service will be requested to respond for the treatment of the arrestee.

- e. All medical conditions of an arrestee shall be brought to the attention of the on-duty Watch Commander immediately.
- f. Signs and symptoms of Communicable Diseases.
 - 1. Flu – Fever, cough, headache, muscle aches and weakness. Possible sore throat and runny nose may exist.
 - 2. Tuberculosis – Bad cough lasting weeks, chest pain, coughing up blood, fatigue, weight loss, no appetite, chills, fever, night sweats.
 - 3. Hepatitis A – Fatigue, Loss of appetite, nausea, vomiting, abdominal pain, dark urine, clay-colored bowel movements, joint pain, jaundice (yellowing of skin or eyes).
 - 4. HIV/AIDS – Most people experience Flu like symptoms within a few weeks of contracting the disease.
 - 5. Measles – Starts with high fever and it gets worse over the next several days, cough, runny nose, and watery, red eyes. After a few days a rash develops, which lasts up to a week.

2. Medications

- a. No member of the Upland Police Department will administer any legal prescription to any arrestee. No arrestee will be allowed to administer his/her own prescription.
- b. If persons in custody require any of the following types of medication and they are not going to be immediately cite/released from the Upland Police Department, they shall be transported to the appropriate medical facility or main jail:
 - 1) Any cardiac medication
 - 2) All narcotics.
 - 3) All mind altering drugs
 - 4) Diabetic medications (oral or injected)
 - 5) Cancer medications
 - 6) Sedatives
 - 7) Any medication requiring injections

3. Suicide Recognition and Prevention

- a. Being responsible for the welfare of inmates under your supervision, you are in an optimal position to aid in the prevention of suicides in jails.

- b. Inmates of correctional facilities and jails take their own lives three and a half times more frequently than persons in the general public.
- c. Persons confined in the detention facility may become suicidal at some point in time.
- d. Not all suicidal persons will display signs of depression, although it is still the best single indication of potential suicide. During a suicidal crisis most persons will display some or all of the following symptoms:
 - 1) Sadness
 - 2) Withdrawal, silence
 - 3) Recent weight loss or gain
 - 4) Insomnia
 - 5) Mood variations
 - 6) Lethargy, slowing of physical movements, such as walking and talking.
- e. If an inmate exhibits or communicates feelings of overwhelming confusion, the suicidal potential is high.
 - 1) The danger of self-destruction is at its peak when the inmate has given up and withdrawn and is no longer communicating. It is crucial to keep the lines of communication open. If the below signs appear, contact a psychiatric technician immediately.
- f. Verbal clues to watch for:
 - 1) Projects hopelessness or helplessness.
 - 2) Speaks of getting out of jail unrealistically.
 - 3) Sees an unrealistic future for their life.
 - 4) Does not appear to be effectively dealing with the present and may be preoccupied with the past.
 - 5) Tells you they plan to commit suicide.
 - 6) Has increasing difficulty relating to others.
 - 7) Exhibits sudden changes in behavior.
 - 8) Admits to previous suicide attempts.
 - 9) Tries to give away personal possessions.
 - 10) Admits to having a history of mental illness.
- g. Categories of suicidal persons include:
 - 1) Suffering from some sort of mental disorder
 - a. Depression

b. Paranoia

- 2) Guilt or shame due to the crime committed or being arrested.
- 3) Recent loss of a loved one.
- 4) Drug or alcohol abuse
- 5) Chronically or terminally ill.
- 6) Homosexual or anyone subjected to homosexual rape.
- 7) New mother.
- 8) Incarcerated ex-law enforcement officers or professionals.
- 9) First offenders.
- 10) Persons who have committed a crime of passion.

h. VIRTUALLY, ANYONE CONFINED SHOULD BE CONSIDERED A POSSIBLE SUICIDE RISK. (ref. CCR, Title 15, Sec. 1219)

4. Vermin Control

- a. Lice infestation is possible in jail situations. The most common observation will involve adult lice and/or nits (eggs) on the scalp, or other hairy portion of the body, or on the clothing, particularly along the seams of inner surfaces. In a detention environment the most common types of lice observed are head lice, body lice, and crab lice.
- b. The crab louse may be found in the pubic area, and in some cases the eyebrows or eyelashes. It is also possible for various forms of mites to be present, including scabies. Lice do not jump, but transfer by direct contact with the person, clothing or other personal belongings.
- c. IT IS IMPERATIVE THAT ANYONE INVOLVED IN LICE DECONTAMINATION USE DISPOSABLE RUBBER GLOVES, WHICH ARE TO BE DESTROYED AFTER USE.
- d. The following delousing procedure is to be used when necessary.
 - 1) Cells contaminated by inmates with pediculosis shall be removed from service until thoroughly treated with a non-toxic pesticide.

- 2) The facility is to be decontaminated by reducing pesticide to liquid form and thoroughly saturating the area using water as hot as possible. (ref. CCR, Title 15, Sec. 1212)
5. First Aid Kit Locations. A first aid kit is located in the booking room cabinet and another first aid kit is located in the equipment room. (ref. CCR, Title 15, Sec. 1220)

XV. ARTICLE 8. FOOD

A. MEALS FOR ARRESTEES (ref. CCR, Title 15, Sec. 1240, 1241, 1243, 1246)

1. On those rare occasions when it becomes necessary to provide a meal for an arrestee, contact the Watch Commander for money. Purchase the meal and return the receipt to the Watch Commander.
2. The Watch Commander will obtain reimbursement for the meal fund box from the person in charge of petty cash.

XVI. ARTICLE 9. FACILITY SANITATION AND SAFETY

A. FACILITY SANITATION, SAFETY AND MAINTENANCE (ref. CCR, Title 15, Sec. 1280)

The City of Upland utilizes custodians to clean the temporary holding facility. The facility is to be cleaned five (5) days per week. The Watch Commander shall inspect the facility after it has been cleaned to determine that there is an acceptable level of cleanliness throughout the facility. This does not relieve the Watch Commander of his/her responsibility to maintain the facility in a neat, well organized and clean condition at all times.

1. Report of Unsafe Conditions. The Watch Commander shall report any unsafe conditions or areas in need of correction to the Chief of Police.
2. Contaminated Cell. Any cell contaminated with regurgitation, urination, defecation, vermin infestation or any biological hazard shall be immediately taken out of service until such cell is sanitized and/or deloused. While out of service, a "contamination" sign will be posted on the door (see Appendix).
3. Sanitation and Maintenance Schedule. The purpose of a sanitation and maintenance schedule is to assure that an acceptable level of cleanliness is maintained throughout the holding facility. Any unsanitary or unsafe conditions should be dealt with immediately by the on-duty Watch Commander.
4. The following maintenance schedule should be adhered to as closely as is practical.

- a. Daily:
 - 1) Sweep and wet mop entire holding floor.(Excluding weekends)
 - 2) Clean all cellblock areas.
 - 3) Empty all trash receptacles.
 - 4) Replace light bulbs as needed.
 - b. Weekly:
 - 1) Dust the holding facility.
 - 2) Clean air condition ducts.
 - 3) Clean mattresses.
 - 4) Clean and flush drains
5. Walk-through Inspections. The Watch Commander on duty or their designee shall be responsible for the sanitary conditions of the holding cells prior and subsequent to their use on their shift. Any damage to a cell, inflicted by an arrestee prior to their release, shall be noted by the Watch Commander and reported to their Division Commander. If there is a defect that may have an impact on the safety and wellbeing of facility personnel or arrestees, this defect will be corrected immediately.
6. The Maintenance Technician shall conduct a daily inspection of the temporary holding facility or as directed by their supervisor. The supervisor responsible for overall facility maintenance shall conduct a thorough inspection of the temporary holding facility at least once a month.

XVII. ARTICLE 10. SEXUAL ABUSE AND SEXUAL HARRASSMENT

- A. **INTRODUCTION:** The Prison Rape Elimination Act (PREA) is a federal act established to address the prevention and elimination of sexual assault and rape in correctional systems. PREA applies to all in-custody inmates.

The Department maintains a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. All allegations of sexual abuse and sexual harassment shall be investigated.

The Upland Police Department strives to ensure our detention facility protect inmates from all forms of sexual assault, including harassment by staff and other inmates. Staff shall not discourage or intimidate an inmate from reporting sexual misconduct or assault. When a staff member learns that an inmate is subject to a substantial risk of imminent sexual abuse, that staff member shall take immediate action to protect the inmate.

Staff members shall immediately report:

1. Any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the facility
2. Retaliation against inmates or staff who report such incidents
3. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation

The staff member shall report all allegations of sexual abuse and sexual harassment to the on-duty watch commander or any other available supervisor.

Staff shall not reveal or discuss any information related to the sexual abuse report to anyone other than to the extent necessary, as specified in policy, to make treatment, investigation, and other security and management decisions.

B. DEFINITIONS:

GENDER NONCONFORMING: A person whose appearance or manner does not conform to traditional societal gender expectations.

INTERSEX: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female.

PREA COMPLIANCE MANAGER: The I.A. Supervisor who will be responsible for coordinating the facility's efforts to comply with PREA.

C. **SEXUAL ABUSE (inmate on inmate):** Any of the following acts where the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
2. Contact between the mouth and the penis, vulva, or anus
3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
4. 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

SEXUAL ABUSE (staff, contractors or volunteers on inmate): Includes any of the following acts, with or without inmate consent:

1. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
2. Contact between the mouth and the penis, vulva, or anus

3. 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
4. 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
5. 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
6. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate

SEXUAL HARASSMENT:

1. Repeated and unwelcomed sexual advances, requests for sexual favors, verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate toward another
2. Repeated verbal comments or gestures of a sexual nature to an inmate 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

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.

UNFOUNDED ALLEGATION: An allegation that was investigated and determined not to have occurred.

UNSUBSTANTIATED ALLEGATION: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

- D. **NON-SAFETY STAFF RESPONSIBILITIES FOR INMATES REPORTING SEXUAL ASSAULTS:** Any staff member (including Professional Staff, Dispatchers, Records, Code Enforcement, and Volunteers) is considered a first responder when an inmate reports a sexual abuse or harassment incident. When an inmate reports a sexual assault to a non-safety staff member, the staff member shall immediately contact a safety staff member. The non-safety staff member shall separate the victims and suspects if it is safe to do so. The staff member shall immediately summon assistance.

An inmate may report a sexual assault through We-Tip crime hotline, a third party (inmates or members of the public), anonymously, or through face to face contact. When a member of the public reports a sexual abuse or sexual harassment incident on behalf of an inmate, they shall be immediately forwarded to a sworn shift supervisor.

E. SAFETY STAFF RESPONSIBILITIES FOR INMATES REPORTING SEXUAL ASSAULTS: Upon learning that an inmate may have been sexually abused, safety staff shall:

1. Separate the victim and the suspect
2. Notify a shift supervisor (as soon as practical)
3. Preserve and protect any crime scene until appropriate steps can be taken to collect evidence. If abuse occurred within 24 hours, ensure the victim does not engage in any actions that may destroy physical evidence (showering, drinking, eating, brushing teeth, washing clothing, etc)
4. Gather basic information about the assault:
 - a. When the assault occurred
 - b. Who they were assaulted by
 - c. The location of the assault

If sworn staff is unavailable, professional staff shall order the victim not take such actions that could destroy physical evidence.

The information gathered shall be written in a supplemental report and submitted to the safety staff member in charge of the investigation by the end of the safety staff's shift.

Safety staff shall evaluate the necessity for immediate medical attention and request an request medical response from Dispatch. If an inmate requires examinations, the shift supervisor or his designee shall contact the Law Enforcement Medical Services (LEMS) who will notify the Sexual Assault Response Team (SART).

F. SUPERVISOR RESPONSIBILITIES FOR CONDUCTING INMATE ON INMATE SEXUAL ASSAULT INVESTIGATIONS: The shift supervisor shall be responsible for evaluating the circumstances surrounding the sexual assault that occurred between inmates. The shift supervisor will make an initial determination as to the severity of the incident reported and the necessity for the involvement of the Detective Bureau or Outside Agency. The investigator shall conduct the investigation in accordance with the sexual assault investigations policy.

Supervisors shall ensure the case is forwarded to the District Attorney's Office for review.

G. SUPERVISOR RESPONSIBILITIES FOR CONDUCTING SEXUAL ASSAULT INVESTIGATIONS INVOLVING STAFF AND INMATE: In the event a supervisor

becomes aware of a sexual assault involving a staff member, the supervisor shall notify the Division Commander/designee immediately.

Sergeants shall conduct a tape-recorded interview with the victim inmate to determine the validity of the complaint based on the circumstances and evidence. If the sergeant or his supervisor determines there is evidence that an assault may have taken place, a criminal investigation shall be conducted. The Division Commander/designee shall be notified and the Investigations Division will take over the investigation. If it is determined the inmate may have been sexually assaulted by a staff member, the inmate shall be transferred immediately to a County Jail Facility, and the facility the inmate was transferred to shall ensure the inmate is contacted by the facility's PREA compliance manager. Once the criminal investigation is complete, supervisors shall ensure the case is forwarded to the District Attorney's Office for review and a copy of the report shall be forwarded to the Internal Affairs Division.

If it is determined there is no evidence of a criminal act, the Division Commander/designee shall be notified and an administrative investigation may be conducted.

For the purposes of PREA, consensual sexual relationships between staff and inmates are considered sexual assaults against the inmate.

H. **REPORTING REQUIREMENTS:** Inmates may report sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents to any staff member using the following methods:

1. Verbally, which shall be documented in an interoffice memorandum and submitted to the Internal Affairs Supervisor
2. Upland Police Department Website
3. We-Tip
4. Police Department Business Line

Inmates and staff shall be permitted to report such incidents to any rank or position they feel comfortable reporting to.

The general public may report sexual abuse and sexual harassment on behalf of the inmate. Staff shall accept such reports made in writing, anonymously, and from third parties and shall promptly submit these documents to the Internal Affairs Supervisor/PREA compliance manager. Staff shall document any verbal reports on an interoffice memorandum and submit it to the Internal Affairs Supervisor/PREA compliance manager.

Information regarding sexual abuse and sexual assault and how to report these occurrences shall be displayed in areas with high inmate traffic.

Staff may utilize the Department webpage or We-Tip to privately report the sexual abuse and sexual harassment of inmates.

1. **PREA NOTIFICATION:** If a call is received from an outside source and any of the criteria listed below is applicable:
 1. An in-progress inmate-on-inmate sexual assault
 2. A sexual assault which occurred within 24 hours of the call
 3. A sexual assault involving any jail staff member
 4. Or the inmate is reporting they need medical attention as a result of a sexual assault:

We-Tip will immediately contact the Upland Police Department's Dispatch Supervisor. The Dispatch Supervisor will immediately notify the PREA compliance manager.

If a call is received from an outside source and the reported inmate-on-inmate sexual assault incident occurred 24 hours or more before the time of the call:

We-Tip will send the reported sexual assault notification to the attention of the PREA Coordinator via fax or email.

- I. **PREA COORDINATOR:** The Support Services Commander shall be the Department's designated PREA coordinator ensuring compliance.
- J. **PREA COMPLIANCE MANAGER:** The Internal Affairs Supervisor is the PREA compliance manager. The PREA compliance manager shall be responsible for coordinating the Agency's efforts to comply with PREA. The PREA Managers shall be responsible for:
 1. Monitoring retaliation
 2. Completing the Survey on Sexual Violence Adult Incident Forms (U.S. Department of Justice Form #SSV-IA) when a sustained finding of sexual abuse or sexual harassment has occurred.
- K. **PREA COMPLIANCE MANAGERS OUTSIDE AGENCY NOTIFICATION:** Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the person receiving the allegation shall notify the Watch Commander/PREA compliance manager or appropriate office of the agency where the alleged abuse occurred. Such notification shall be:
 1. Provided immediately
 2. Documented and investigated, a copy of our investigation shall be forwarded to the outside agency
- L. **DEPARTMENT'S RESPONSIBILITY TO PROTECT AGAINST RETALIATION:** The department shall be responsible for protecting all inmates and staff who report sexual abuse or sexual

harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff.

The PREA compliance manager shall utilize multiple protection measures, such as cell changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

For at least 90 days following a report of sexual abuse, the PREA compliance manager shall monitor the conduct and treatment of the staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation, and shall act promptly to remedy any such retaliation. Such Monitoring shall be documented on an interoffice memo to the PREA Coordinator.

The PREA compliance manager shall continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need, and document the additional monitoring.

If any other individual who cooperates with an investigation expresses a fear of retaliation, the PREA compliance manager shall take appropriate measures to protect that individual against retaliation.

The Department's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

M. **SEXUAL ABUSE DATA COLLECTION AND STORAGE:** The PREA Manager shall be responsible for collecting accurate, uniform data for every allegation of sexual abuse at our temporary holding facility.

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 the Department of Justice.

The Department shall maintain, review, and collect data as needed from all available incident-based documents, including criminal reports, investigation files, and sexual abuse incident reviews.

Upon request, the Department shall provide all such data from the previous calendar year to the Department of Justice no later than June 30th.

PREA Compliance Manager shall ensure sexual abuse data is securely retained for a minimum of 10 years after the date of the collection.

N. **SEXUAL ABUSE DATA REVIEW FOR CORRECTIVE ACTION:** PREA Compliance Manager shall review collected data in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:

1. Identifying problem areas
2. Taking corrective action on an ongoing basis
3. Provide ongoing training
4. Preparing an annual report of its findings and corrective actions.

5. Such report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse

The annual report shall be submitted to the Chief of Police. Upon approval, the sexual assault statistics shall be placed on the Department's website.

XVIII. ARTICLE 11. EMERGENCY SUSPENSIONS OF STANDARDS OR REQUIREMENTS

A. EMERGENCY SUSPENSIONS OF STANDARDS OR REQUIREMENTS

Nothing contained herein shall be construed to deny the power of any facility administrator or facility manager to temporarily suspend any standard or requirement herein prescribed in the event of any emergency which threatens the safety of the local detention facility, of any of its arrestees or staff, or the public, provided that only such regulations as are directly affected by the emergency may be suspended, and that the facility administrator shall notify the Board of Corrections in writing in the event that such a suspension lasts longer than three days. In no event shall any suspension continue more than fifteen (15) days without the approval of the Chairman of the Board of Corrections for a time specified by him/her.

Chapter	11
Section	11.19
Title	Jail Operations Officers
Subject	Jail Operations Guidelines
Effective Date	07/01/2019
Revision Date	07/01/2019
Revised By	Lieutenant Cliff Mathews
Authorized By	Chief Darren L. Goodman

I. PURPOSE

The purpose of this policy is to clearly identify the duties and responsibilities of “G4S” (Group for Secure Solutions Inc.) Jail Operation Officers and sworn personnel regarding jail and transportation operations. Furthermore, the procedure contains guidelines related to housing prisoners, transporting prisoners, as well as supervisor notifications of arrests and releases. The procedure will increase the overall effectiveness of jail operations and help coordinate the efforts between G4S officers and sworn personnel.

II. POLICY

In order to properly process and transport subjects detained by the Department, members of the Upland Police Department will be guided by the following procedures.

III. PROCEDURE

A. The arresting officer will notify the on-duty supervisor of any arrest he/she has made and will provide the facts and circumstances surrounding such arrests. The notification will be made in the field or as soon as reasonably possible after the prisoner is housed at the Upland Police Department.

B. The Jail Operation Officer will take custody of the prisoner and assist the sworn officer with paperwork, transportation, and booking.

C. The on-duty supervisor shall be notified of all prisoner transports.

D. When Jail Operation Officers are out of the station, the on-duty supervisor, or the assigned custodial personnel, is responsible for making sure that visual observation checks are conducted as required per policy and procedure section 11.18.

E. Prisoners' property will be inventoried and secured in a locked property drawer while prisoner is in the jail facility. Refer to policy and procedure section 11.18.D.2.

F. Prisoners' property shall be collected and taken with prisoner to booking facility. Property shall be provided to booking facility and placed into prisoners' property. Refer to policy and procedure section 11.18.D.2.

G. As needed, the supervisor may request to have Jail Operation Officers respond to a location in the field for prisoner pick-up and transportation.

H. Combative and/or high-risk prisoners will be transported by a sworn officer instead of a Jail Operations Officer. Refer to policy and procedure section 11.18.X.C.

I. The supervisor will be notified immediately in any situation where a prisoner is injured, ill, or suffering from any medical issues. Refer to policy and procedure section 11.18.IX.

J. All prisoners in custody for public intoxication or drug influence will be evaluated by the arresting officer and on-duty supervisor to determine if they are safe enough for temporary housing at Upland Police Department. Severely impaired prisoners, violent or known to be violent prisoners, or prisoners under the influence of PCP, will be booked by the officer at West Valley Detention Center from the field. Refer to policy and procedure section 11.18.IX.

K. The on-duty supervisor will approve all prisoner releases from the Upland Police Department (IE – Cite and release arrest). Refer to policy and procedure section 11.05.

IV. SUPERVISOR RESPONSIBILITIES

The on-duty supervisor is charged with overseeing the Police Department's Jail Operation and is responsible for coordinating the efforts of all personnel involved in the jail function. For more information refer to policy and procedure section 11.18.

V. JAIL OPERATION OFFICER RESPONSIBILITIES

The custody officer will be responsible for the following duties:

A. Supervision of the jail area and the monitoring of all prisoners, including visual observation. Refer to policy and procedure section 11.18.IX.

B. Prisoner transportation: WVDC, Central Jail, Behavioral Health, County Hospital, Juvenile Hall.

C. Searching prisoners, removing property/contraband and housing prisoners. In the event contraband is located by Jail Operation Officers, the arresting Officer or designated Officer shall collect the contraband and secure it into evidence. The prisoner will be charged accordingly by the Officer. The Jail Operation Officer will generate a supplemental report detailing the incident. In the event contraband is located by Deputies while inside their facility, the Deputy will obtain the contraband and either charge the prisoner accordingly or call a sworn Upland Officer to do so. A report will be generated and shall be attached to the original report.

D. Fingerprinting and photographing **ALL** cite-released prisoners and juveniles, and also the releasing of prisoners. Refer to policy and procedure sections 11.05 and 11.18.

E. Completing all paperwork and maintaining jail records and completing the medical/property inventory sheet, classification sheet, in-house booking log, booking applications and juvenile applications. The prisoner's paperwork will be given to the arresting officer to attach to the report. The arresting officer is to review the documents and is ultimately responsible for all paperwork. Refer to policy and procedure section 11.18.

VI. SWORN OFFICER RESPONSIBILITIES

Sworn officers will be responsible for the following jail related duties:

A. Sworn officers will be responsible for properly identifying the prisoner and completing the probable cause declaration and citations.

B. Sworn officers will secure their firearms prior to entering the jail area. Refer to policy and procedure section 11.18.VI.D.