

Temporary Custody of Adults

900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Union City Police Department for processing prior to being released or transferred to another facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy 324. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

900.1.1 DEFINITIONS

Definitions related to this policy include:

Holding cell/cell - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

Safety checks - Direct, visual observation by a member of this Department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

Temporary custody - The time period an adult is in custody at the Union City Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Union City Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 SECURITY

Security within the holding facility is a paramount concern to the organization. To ensure that a high level of security is maintained, only authorized department personnel are allowed access to the holding facility. Authorized personnel shall include sworn officers, sworn and assigned personnel directed to search an arrestee, and all persons authorized by an on-duty supervisor.

The only exceptions are:

- Tours authorized by the department
- Individuals authorized to make necessary repairs

900.3.1 FIREARMS

Sworn officers of the Union City Police Department and other law enforcement agencies shall not enter the holding facility with a firearm or other deadly weapons. The only exception to this policy

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would be in the event that an arrestee has armed themselves with a deadly weapon and a sworn officer must arm him/herself with a firearm to subdue the prisoner.

Firearms shall be secured utilizing the firearms lockers located outside the temporary holding facility door prior to entering the secured Holding Facility. Officers may also elect to secure their firearms in designated lock boxes in their patrol vehicles.

900.4 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

900.4.1 INDIVIDUALS WHO <U>SHALL NOT</U> BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions shall not be in temporary custody at the Union City Police Department, but should be transported to a jail facility, a medical facility, or another type of appropriate facility. These include:

- (a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who is seriously injured or exhibits signs or symptoms which should result in an immediate medical/mental health referral;
- (c) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy). If the officer taking custody of an individual believes that he/she may be a suicide risk, the officer shall ensure continuous, direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
- (d) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (e) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
- (f) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to him/herself or others (15 CCR 1053; 15 CCR 1055). A prisoner who is restrained beyond handcuffs or shackles shall not be brought into the facility. In the event a prisoner, who is already housed in the THF, must be restrained beyond the use of handcuffs or shackles (i.e., the WRAP is used) that prisoner must be immediately removed from the THF and transported to the appropriate jail or medical facility.
- (g) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
- (h) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (i) Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled (15 CCR 1052).

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- (j) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (k) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).
- (l) Any individual who is obviously developmentally disabled (15 CCR 1057).

900.4.2 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Union City Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

- (a) Any individual who has a medical condition, including pregnancy that may require medical attention, supervision, or medication while he/she is in temporary custody. Refer to policy 900.23 for information related to pregnant prisoners.

In the event of exigent circumstances, a situation may arise where a subject has one of the above listed conditions in 900.4.2 and needs to be placed in the temporary holding facility. Officers taking custody of a person who exhibits any of the above conditions shall notify the Watch Commander of the situation and he or she shall determine if the prisoner should be brought into the facility. The Watch Commander's decision must be made based on the totality of the circumstances, including the safety of the prisoner, the safety of the staff and the investigative needs. These individuals should not be in temporary custody at the department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances. In the event a subject with the listed conditions is brought into the facility, he or she must be immediately transported to an appropriate jail or medical facility as soon as the exigency ceases.

900.4.3 SUPERVISION IN TEMPORARY CUSTODY

Aorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising shall not have other duties that could unreasonably conflict with his/her supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody is deaf or hard of hearing or cannot speak, accommodations shall be made to provide this ability (15 CCR 1027).

At least one female department member shall be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control or exert any authority over other individuals in custody.

900.4.4 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least

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one member is on-duty at all times who meets the training standards established by the Board Of State And Community Corrections (BSCC). This staff member should be trained in fire and life safety procedures relating specifically to the facility (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the city, as required by 15 CCR 1027.

900.4.5 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

- (a) Authorized members entering for official business purposes.
- (b) Emergency medical personnel when necessary.
- (c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody. This is to ensure security and to witness interactions.

900.5 JUVENILE ARRESTEES

Juvenile arrestees shall not come into any contact with any adult arrestees. Refer to Union City Police Department Temporary Custody of Juveniles Policy.

900.6 FEMALE ARRESTEES

Female arrestees shall be placed in a holding cell out of sight and sound from male arrestees.

900.7 INTOXICATED ARRESTEES

Persons arrested for being under the influence of alcohol or other drugs or who are violent should be segregated.

These types of individuals shall be checked on no less than every 15 minutes by authorized personnel. The times the arrestee is checked shall be logged on the Union City Police Department Welfare Check Sheet.

900.8 VIOLENT ARRESTEES

Arrestee(s) who appear, or are reported as being potentially violent with jail personnel, or other arrestees, shall immediately be segregated from other arrestees. The arresting/transporting officer(s) shall remain in the holding facility booking area with any PSO/officer during the processing of these arrestees. The arresting/transporting officer(s) shall NOT leave until the arrestee is transported out of the facility.

900.9 ARRESTEE FROM AN OUTSIDE AGENCY

The Union City Police Department will accept prisoners from outside agencies when advance notification and prior arrangements have been made and approval has been obtained by the on-duty supervisor. If extenuating circumstances exist, and arrestees are delivered to the Union

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City Police Department by an officer/employee of an outside law enforcement agency without making prior arrangement, PSO(s)/officer(s) shall require the officer/employee present proper identification and advise the circumstances surrounding the arrest/detention, thus verifying the person's authority to make the arrest/detention. The receiving PSO/officer shall also contact the on-duty supervisor for verification of the arresting officer's identity and authority to make the arrest/detention.

900.10 GROUP/MASS ARRESTS

In the event of a group arrest that would exceed the maximum capacity of the Union City Police Department holding facility, the excess arrestee(s) shall be transferred, as soon as possible, to the Alameda County Jail Facility, or the Fremont PD Jail Facility, or released on a written promise to appear, if applicable.

900.11 BOOKING PROCEDURE FOR ALAMEDA COUNTY JAIL

The Union City Police Department only has temporary holding facilities. All arrestees not being released from the Union City Police Department holding facility, transferred to a medical/mental health facility, or transported to the Fremont PD Jail Facility, shall be booked at the Alameda County Jail Facility.

The appropriate arrestee booking/screening form contains the arrest information and physical conditions of the arrestee, which is completed by the PSO/arresting officer. The booking form also contains a property inventory and disposition section that is completed by the PSO/arresting officer.

900.12 CONTROL OF HOLDING FACILITY KEYS

The keys to the three holding cells are individually issued and maintained by PSOs and not accessible to arrestees. Duplicate keys for the holding cells and keys for the holding facility security doors are maintained in the secure key closet in the patrol supervisors' office (police personnel access only).

900.12.1 SECURITY DOORS

There are two security doors leading into the holding facility.

These doors are to remain closed and locked unless prisoners are being moved to another location or for other official business.

There are three holding cells within the facility. The doors to the holding cells will remain unlocked and open when unoccupied. As a matter of standard operating practice, authorized personnel should verify that locking mechanisms engaged properly after doors have been closed and motion-sensor activated video is functioning.

900.13 WEEKLY SECURITY INSPECTION OF THE HOLDING CELLS

The on-duty PSO Supervisor shall conduct a weekly inspection of the holding cells/facility. This inspection shall include a search for weapons and contraband and a check of the locks, bars,

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lights, ventilator covers, sinks, and toilets to ensure they are operating correctly and have not been tampered with.

The results of the inspections shall be documented on the Union City Police Department Weekly Jail Safety and Sanitation Checklist and forwarded to the Support Services Division Commander. If defective/unsafe equipment is found, it shall be repaired or replaced immediately.

900.14 HOLDING FACILITY SURVEILLANCE

Audio/Video surveillance of the holding facility is primarily for the safety and welfare of detainees in monitoring any emergency needs. The surveillance equipment will be controlled to reduce the possibility of invading a detainee's personal privacy; however, the placement of video cameras in the holding cells is determined by necessity and the physical configuration of the particular cell.

The holding facility is equipped with a video surveillance system which can be monitored from IT, PSU, Watch Commander's office, etc.

This equipment shall be maintained in working order at all times. The video from the surveillance cameras shall be maintained by the department for the required period of time as set forth by California Law and by the cities Records Retention and Release Policy.

If a member of the department requests a copy (DVD disk) of a specific incident for court purposes, the request shall be made to the Property and Evidence Supervisor. Absent extenuating circumstance, the request shall be made at least (5) court days in advance.

900.14.1 ENTRY INTO OCCUPIED HOLDING CELLS

Sworn officers and PSOs should not enter an occupied holding cell alone unless they are being monitored via the closed-circuit television by other PSO personnel, or a sworn officer.

When a female prisoner is to be searched by a female PSO/officer, any male sworn officers shall remain out of view of the female prisoner being searched.

900.15 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

In the event of a suicide attempt, death or serious injury of any individual in temporary custody at the Union City Police Department officers shall complete the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Support Services Division Captain
- (c) Notification of the spouse, next of kin or other appropriate person
- (d) Notification of the appropriate prosecutor
- (e) Notification of the City Attorney
- (f) Notification of the Coroner
- (g) Evidence preservation
- (h) In-custody death reviews (15 CCR 1046)

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- (i) Notification to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

900.16 TOOLS AND CULINARY EQUIPMENT

In the event that outside maintenance personnel makes repairs in the holding facility, the on-duty PSO personnel, or a supervisor shall visually inspect the facility for tools immediately after the repair(s) is completed.

Meals for arrestees are purchased and served in accordance with the Minimum Standards for Local Detention Facilities: Title 15 guidelines. Authorized personnel do not provide utensils to arrestees. The Union City Police Department does not have kitchen facilities for arrestees; therefore, culinary equipment is prohibited in the holding facility

900.17 PANIC ALARMS/11-99/ALERTING CONTROL POINT

For the safety of all department employees and prisoners, there are emergency panic alarms connected to an alarm system positioned throughout the holding facility. This alarm automatically sounds over the PA system as well as activates an alarm in the main communications center control point.

This alarm shall be maintained in working order at all times. Additionally, each on-duty PSO/officer entering the holding facility shall wear a two-way capable radio enabled with a personal protection emergency alarm activating device (11-99 button), which when activated, will set off an alarm in the main communications center.

900.18 ESCAPES AND OTHER UNUSUAL SITUATIONS

In the event that an arrestee escapes from the holding facility, PSO/officer personnel will make immediate notification to the communication center via radio transmission and to the on-duty supervisor/Watch Commander. Immediate action should be taken by sworn personnel to apprehend the escapee. This may include setting up a perimeter around the affected, a city or county wide radio broadcast, and the mobilization of other resources deemed necessary.

Any and all unusual situations occurring in the holding cell area shall be reported immediately to the on-duty supervisor or Watch Commander by the employee discovering the incident. Unusual situations shall also be reported to the Support Services Division Commander via telephone and (immediately) and by a written Union City Police Department intra-departmental memorandum.

900.19 THREATS TO FACILITY

Any received threats against the Union City Police Department Holding Facility, personnel, or inmates, via any medium (telephone, email, written correspondence, etc.) shall be reported to the on-duty supervisor or Watch Commander immediately. Incidents shall also be reported to the Support Services Division Commander via telephone (immediately) and by a written Union City Police Department intra-departmental memorandum.

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900.20 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, he/she shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released or transported to jail or other facility.

900.20.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

- (a) Complete a UCPD Arrestee Medical Screening & Classification form for all prisoners in their custody.
- (b) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (c) Evaluate the following issues against the stated risks to determine the need for placing the individual in a single cell. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. (28 CFR 115.113; 28 CFR 115.141). This may include providing continuous supervision or single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- (d) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- (e) Ensure males and females are separated by sight and sound when in cells.
- (f) Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (g) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (h) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation. An inmate's own views with respect to his or her own safety shall be given serious consideration.

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- (i) Segregation should be considered for inmates who are determined to be prone to: promote activity or behavior that is criminal in nature or disruptive to facility operations; demonstrate influence over other inmates, including influence to promote or direct action or behavior that is criminal in nature or disruptive to the safety and security of other inmates or facility staff, as well as to the safe operation of the facility; escape; assault, attempted assault, or participation in a conspiracy to assault or harm other inmates or facility staff; or likely to need protection from other inmates, if such administrative segregation is determined to be necessary in order to obtain the objective of protecting the welfare of inmates and staff.

900.20.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Operations Division Captain will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

- (a) Inform the individual, without delay, that he/she may have his/her consular officers notified of the arrest or detention and may communicate with them.
 - 1. This notification should be documented.
- (b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.
 - 2. If the country is on the mandatory notification list, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Tell the individual that this notification has been made and inform him/her without delay that he/she may communicate with consular officers.
 - (c) Forward any communication from the individual to his/her consular officers without delay.
 - (d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.
 - 3. If the country is not on the mandatory notification list and the individual requests that his/her consular officers be notified, then:
 - (a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.
 - (b) Forward any communication from the individual to his/her consular officers without delay.

900.21 SAFETY, HEALTH AND OTHER PROVISIONS

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900.21.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Union City Police Department, the custody shall be promptly and properly documented in a custody log, including:

- (a) Identifying information about the individual, including his/her name.
- (b) Date and time of arrival at the Department.
- (c) Any charges for which the individual is in temporary custody and any case number.
- (d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
- (e) Any medical and other screening requested and completed.
- (f) Any emergency situations or unusual incidents.
- (g) Any other information that may be required by other authorities, such as compliance inspectors.
- (h) Date and time of release from the Union City Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

900.21.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - (a) There shall be no viewing devices, such as peepholes or mirrors, of which the individual is not aware.
 - (b) This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand, exercise or stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.
 - (a) The supervisor should ensure that there is an adequate supply of clean blankets.

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- (i) Adequate shelter, heat, light, and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.
- (k) Staff have counted the number of prisoners and the number of prisoners do not exceed maximum occupancy of the THF.

900.21.3 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to his/her health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

900.21.4 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations and logistics should be balanced against the individual's desire for further telephone access. It is the responsibility of the on-duty PSO, or arresting officer to ensure that the arrestee is given the opportunity to make the telephone calls and that the arrestee is aware the calls may be monitored by police department personnel.

- (a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at his/her own expense.
 - (a) The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
 - (b) The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
- (b) The individual should be given sufficient time to contact whomever he/she desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
 - (a) Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use his/her judgment in determining the duration of the calls.
 - (b) Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor

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child, and notify the individual that he/she may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

- (c) Calls between an individual in temporary custody and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

900.21.5 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

900.21.6 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

900.21.7 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In the event of a use of force incident in the THF, all employees shall adhere to the guidelines stated in the Use of Force policy (Lexipol 300).

In addition to a custody log entry, any incident that results in a use of force, physical harm or serious threat of physical harm to a department member, person in custody or any other person shall be documented as stated in the Use of Force policy (Lexipol 300) or On-Duty Injuries policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Records Division will retain a record of these reports for inspection purposes (15 CCR 1044 and 1029). The prepared report should include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence.

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900.21.8 SEXUAL ABUSE REPORTING

If an allegation of sexual abuse or sexual assault is reported, no subject employed by the Union City Police Department shall retaliate against the reporting party. In the THF there will be signs notifying inmates of the multiple methods for privately reporting sexual abuse or sexual harassment. This will include methods for reporting retaliation by other inmates/staff for reporting sexual abuse and harassment along with reporting staff neglect or violation of responsibilities that may have contributed to such incidents. The signs must include a method for uninvolved inmates, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting shall be publicly posted at the facility.

900.21.9 ATTORNEYS AND BAIL BONDSMEN

- (a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
- (b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
- (c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
- (d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.
- (e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.21.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

900.22 SUPERVISION-OPPOSITE SEX

The Union City Police Department Holding Facility operates under specific guidelines of Title 15, California Code of Regulations-Minimum Standards for Local Adult Detention Facilities and for Local Juvenile Facilities.

When an arrestee/detainee needs to be searched and is of the opposite sex as the searching officer, a reasonable effort should be made to summon an officer of the same sex as the subject to conduct the search. When it is not practicable to summon an officer of the same sex as the subject, the following guidelines should be followed:

- (a) Another officer or a supervisor should witness the search
- (b) The officer should not search areas of the body covered by tight-fitting clothing, sheer clothing or clothing that could not reasonably contain a weapon.

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900.23 USE OF RESTRAINT DEVICES

The use of restraints, other than handcuffs or leg irons, shall not be used for individuals in temporary custody at the Union City Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

In the event a prisoner must be placed in restraints, he or she shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse. Restrained individuals shall be removed from the THF as soon as practical.

900.23.1 PREGNANT ADULTS

Women who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

- (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 behind the body
- (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, the 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 determines 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.

900.23.2 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.24 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, his/her items of personal property shall be compared with the inventory, and he/she shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

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The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding his/her property. The Watch Commander shall attempt to prove or disprove the claim.

900.25 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

- (a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
- (b) The individual shall constantly be monitored by an audio/video system during the entire custody.
- (c) The individual shall have constant auditory access to department members.
- (d) The individual's initial placement into and removal from a locked enclosure shall be logged.
- (e) Safety checks by department members should occur no less than every 30 minutes. However, State guidelines pursuant to 15 CCR 1027.5 state the following: Safety checks shall be conducted at least hourly through direct visual observation of all inmates. There shall be no more than a 60-minute lapse between safety checks.
 - (a) Safety checks should be at varying times.
 - (b) All safety checks shall be logged.
 - (c) The safety check should involve questioning the individual as to his/her well-being.
 - (d) Individuals who are sleeping or apparently sleeping should be awakened.
 - (e) Requests or concerns of the individual should be logged.

900.25.1 USE OF SOBERING CELL

Inmates who are to be held in the Temporary Holding Facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any inmate in a sobering cell (15 CCR 1056):

- (a) Placement of an inmate into the cell requires approval of the Watch Commander.
- (b) A cell log shall be initiated every time an inmate is placed in the cell. The log shall be maintained for the entire time the inmate is housed in the cell.
- (c) A safety check consisting of direct visual observation sufficient to assess the inmate's well-being and behavior shall occur at least once every 30 minutes. Each safety check

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shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

- (d) Under no circumstances shall an inmate be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the inmate does not have an urgent medical issue.
- (e) Inmates will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

900.26 PHYSICAL PLANT REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

- (a) Safety checks and significant incidents/activities are noted on the log.
- (b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.
 - 1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
 - 2. This does not apply to surreptitious and legally obtained recorded interrogations.
- (c) There is reasonable access to toilets and wash basins.
- (d) There is reasonable access to a drinking fountain or water.
- (e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.
- (f) There is privacy during attorney visits.
- (g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.
- (h) Clean, sanitary, fire-retardant bedding are provided as reasonably necessary to ensure the comfort of an individual.
 - 1. The supervisor should ensure that there is an adequate supply of clean blankets.
- (i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.
- (j) Adequate furnishings are available, including suitable chairs or benches.

900.26.1 MEALS

Arrestees shall not normally be detained in the holding facility longer than six hours; therefore, meals are not provided. However, if extenuating circumstances require a stay longer than six hours, a meal will be provided

If an arrestee is detained for any period of time, and they have been without food as a result of their circumstances, a meal may be provided.

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900.27 SAFETY AND SANITATION INSPECTION PROCESS

Safety and sanitation in the holding facility is very important. It is the responsibility of all department employees to immediately report to the on-duty supervisor or Watch Commander, any unsafe and/or unsanitary conditions occurring in the holding cell areas.

The ranking on-duty PSO shall complete the Jail Safety and Sanitation Checklist on a weekly basis and maintain the filing of this report. A copy of the completed form will be routed to the PSO Supervisor for review and for any corrective measures that may be considered.

900.28 VERMIN INFESTED ARRESTEES

Arrestees infested with vermin (lice, crabs, etc.) shall be transferred to the Alameda County Jail as soon as possible. The in-take deputy at the Alameda County Jail shall be informed that the arrestee is infested with vermin so that he/she will receive proper medical attention.

A vermin infested arrestee shall not be placed in the same holding cell or transported in the same vehicle with other arrestees. If a vermin infested arrestee is placed in a holding cell, on-duty personnel will take appropriate action to clean and disinfect the cell with a non-toxic pesticide (Crime Scene Cleaners).

A visual vermin inspection will be completed on a weekly basis by the on-duty PSO(s). Documentation will be included in the weekly facility inspection form. Staff will also complete an informal visual inspection at the change of shifts, and if any vermin are seen it will be reported to the on-duty supervisor.

900.29 FIRE SAFETY/EVACUATION PLAN

The Union City Police Department holding facility is currently equipped with smoke/heat detectors which are approved by the State Fire Marshall which are inspected semi-annually by the Alameda County Fire Department.

In addition, a fire extinguisher which is approved by the State Fire Marshall is currently housed in the holding cell area.

The smoke/heat detector and the fire extinguisher should be visually inspected on a daily basis by the on-duty PSO and tested weekly by PSO supervisor to ensure the equipment is maintained in working order (under National Fire Protection Association (NFPA) Standards, section 72).

The test shall be logged on the Union City Police Department Weekly Jail Safety and Sanitation Checklist.

In the event of an actual fire, Union City Police Department personnel shall take immediate action to evacuate any and all prisoners to an area of safety, notify the Alameda County Fire Department so that appropriate fire department personnel respond and attempt to extinguish the fire.

There are two (2) posted emergency evacuation routes for the holding facility. They are:

- Exit the holding facility via the sally port door into the rear parking area.

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- Exit the holding facility area via the main security door into the Police station main hallway.

Subsequent disposition and housing of any evacuated detainees shall be determined by the on-duty supervisor and/or Watch Commander. The following options may be considered and implemented:

- Transportation to and subsequent housing at the Fremont PD Jail Facility
- Transportation to and subsequent housing at the Alameda County Jail Facility
- Eligibility for cite release

Implementation of any of these options are time sensitive and may require mutual aid activation.

900.30 MEDICAL ASSISTANCE FOR ARRESTEES

In the event that an arrestee held in the Union City Police Department holding facility is in need of emergency medical treatment, the Alameda County Fire Department paramedics shall be called immediately to render medical aid.

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical aid will be summoned. A supervisor shall meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, he/she will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Union City Police Department. They should be released or transferred to another facility as appropriate.

900.30.1 FIRST AID KIT

A first aid kit shall be maintained in the holding facility. The on-duty PSO shall inspect the first aid kit on a weekly basis and restock as necessary.

900.30.2 MEDICAL INFORMATION

The on-duty PSO/arresting officer shall complete the Union City Police Department Arrestee Medical Treatment Request Form as soon as possible/practical upon receipt of all detainees. The on-duty supervisor is responsible for review and signature authorization of this form pertaining to any/all medical conditions, including whether the arrestee;

- Has any injuries or medical problems
- Possess prescribed medications
- Appears to be under the influence of alcohol or drugs
- Is currently a mental patient or is under the care of a mental health professional

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The on-duty supervisor shall follow department procedure for the handling of detainees with medical conditions and/or detainees taking prescription medication. Disposition of detainees shall be determined by department policy and the on-duty supervisor in these cases.

The arresting officer and PSO shall document any/all unusual conditions in arrest reports and on the Union City Police Department Arrestee Request for Treatment Form.

In addition, the on-duty PSO/arresting officer shall complete the following forms, as necessary:

- Union City Police Department Inmate Injury Report
- Union City Police Department Incident Report

These reports shall be approved by the on-duty supervisor and forwarded to the PSO Supervisor and Support Services Division Commander.

900.30.3 ACCESS TO MEDICAL SERVICES

It is important that arrestees know that emergency health care services are available to them. The procedures for requesting Alameda County Fire Department paramedics shall be posted in the holding facility in English.

In the event that the arrestee is unable to read English, the procedure shall be explained orally, or if in extreme case, an interpreter obtained.

900.30.4 DISPENSING OF MEDICATION

Union City Police Department personnel SHALL NOT dispense ANY medication(s) to arrestees detained in the holding facility. If an arrestee in need of constant medication, he/she shall be immediately transported to the Alameda County Jail Facility.

900.31 DETAINEE RIGHTS

California Penal Code § 825 states that an arrestee shall be taken before a magistrate without unnecessary delay. Since the Union City Police Department holding facility is for temporary detention only, all arrestees requiring or demanding immediate appearance before a magistrate shall be booked into the Alameda County Sheriff's Department Jail Facility. It is the responsibility of the Alameda County Sheriff's Office to deliver the arrestee to a magistrate.

900.31.1 BAIL FOR ARRESTEES

Any arrestee requesting to make bail will be transferred to the Alameda County Sheriff's Department Jail Facility or the Fremont Police Department Jail Facility.

900.31.2 RECEIVING MAIL/PACKAGES

Arrestees shall not be permitted to receive mail, packages, or other correspondence while detained in the holding facility.

900.31.3 VISITATION

With the exception of attorney access, visitation is not allowed in the temporary holding facility, since the Union City Police Department holding facility is for temporary detention only.

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900.32 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

- (a) All proper reports, forms and logs have been completed prior to release.
- (b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (c) It has been confirmed that the correct individual is being released or transported.
- (d) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of his/her property, warrant copies).
- (f) The individual is not permitted in any nonpublic areas of the Union City Police Department unless escorted by a member of the Department.
- (g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if he/she is being sent to another facility.
 - 1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.
- (h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.
- (i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with his/her personal needs as reasonable.

900.32.1 CONFIRMING ARRESTEES IDENTITY

Prior to releasing an arrestee or transferring him to another agency, the on-duty PSO/officer shall confirm the arrestee's identity. This process shall be verified by the California Identification (CAL-ID) process.

900.32.2 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

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900.33 ASSIGNED ADMINISTRATOR

The Field Operations Division Captain will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

- (a) General security
- (b) Key control
- (c) Sanitation and maintenance
- (d) Emergency medical treatment (15 CCR 1200)
- (e) Escapes
- (f) Evacuation plans
- (g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032
- (h) Disaster plans
- (i) Building and safety code compliance
- (j) Civil and other disturbances including hostage situations
- (k) Periodic testing of emergency equipment
- (l) Emergency suspension of Title 15 regulations and notice to the Board of State and Community Corrections as required in 15 CCR 1012
- (m) Inspections and operations reviews
- (n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety and maintenance of the facility including security measures specific to prevention of sexual abuse and sexual harassment. (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

900.34 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

- (a) Applicable minimum jail standards
- (b) Jail operations liability
- (c) Inmate segregation
- (d) Emergency procedures and planning, fire safety, and life safety.
- (e) Suicide prevention

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Eight hours of refresher training shall be completed once every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

900.35 ARRESTEE RECORDS

All arrestee records information are confidential in nature. This information shall be kept secured and not released to unauthorized persons.

900.36 REVISIONS

Revised: December 10, 2015

Revised: February 9, 2017.

Revised: April 19, 20017

Revised: January 30, 2018

Revised: October 25, 2018 - Lexipol updates

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