
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 Fontana Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. 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 Fontana Police Department prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Fontana 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.

In accordance with Penal Code 853.6, those individuals arrested for misdemeanors or violations of any city ordinance, and does not demand to be taken before a magistrate, may be released from the Fontana Police Department's Temporary Holding Facility with a written notice to appear in court.

900.2.1 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Patrol Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code 849.5; Penal Code 851.6)

- (a) The individual is issued a certificate describing the action as a detention.
- (b) All references to an arrest are deleted from the arrest records of the Fontana Police Department and the record reflects only a detention.

Temporary Custody of Adults

- (c) The California DOJ is notified.

900.3 GENERAL CRITERIA AND SUPERVISION

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

900.3.1 INDIVIDUALS WHO SHALL NOT BE IN TEMPORARY CUSTODY (ADULT AND JUVENILE)

Individuals who exhibit certain behaviors or conditions shall not be in temporary custody at the Fontana 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 is unconscious or has been unconscious while being taken into custody or while being transported.
- (b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while he/she is in temporary custody.
- (c) Any individual who is seriously injured.
- (d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
 - 1. 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).
- (e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.
- (f) 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.
- (g) 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).
- (h) 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).
- (i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to his/her health or safety.
- (j) Any individual who is obviously developmentally disabled (15 CCR 1057).
- (k) 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).
- (l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
- (m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals shall 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. Anyone later found to have been booked into temporary custody which match any of the above will immediately be transferred out of the facility.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized 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 should 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.

900.3.3 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 one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028). The on-duty Watch Commander is a 24/7 position that meets these requirements. Cardiopulmonary resuscitation equipment shall be maintained and readily available.

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.

STAFFING PLAN

1 Custodial Supervisor and 8 Jail Officers (Custodial Personnel)

Custodial Personnel Duties:

- Sign into the jail log book at the start of your shift
- Complete key log
- Conduct jail inspection

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

- Receive pass down from previous shift
- Transport or cite release arrestees
- Process incoming arrestees: complete intake, medical screening, classification, property and PREA forms. (Sobering form as applicable)
- Jail must be kept clean and organized throughout shift.
- Provide pass down to oncoming officer(s)

Custodial Supervisor Duties:

- Responsible for all jail operations
- Management of jail personnel
- Ensure jail operates in accordance with all local, state, and federal laws and regulations.
- Directs the preparation and maintenance of inmate records and documentation related to facility operations; reviews reports prepared by subordinates to ensure they are accurate and prepared in a professional manner; compiles statistics and prepares periodic reports.
- Performs the essential functions required of a Corrections Officer as necessary.
- Plans, analyzes, and organizes facility safety and security measures, assures efficient and effective support services for the facility.
- Participates in the selection of new employees as assigned; supervises and evaluates the performance of assigned staff, and recommends corrective action or commendation as appropriate.

900.3.4 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 for security purposes and to witness interactions.

900.3.5 DEPARTMENTAL ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established:

Facility Administrator: The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.

Temporary Custody of Adults

Temporary Holding Facility Manager: The Lieutenant or designee will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Temporary Holding Facility.

Temporary Holding Facility Supervisor: The employee with 24 hour per day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed.

Custodial Supervisor: The Custodial Supervisor shall be responsible for all jail operations and management of Custodial Personnel.

Custodial Personnel: Custodial personnel shall be those on duty sergeants, detectives, corporals, officers, contracted jail staff or other designated employees whose additional duties include the supervision of prisoners that are detained in the Temporary Holding Facility.

900.4 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. Each infectious disease has its own specific signs and symptoms but commonly will include the following; fever, diarrhea, fatigue, muscle aches and/or coughing. 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.

900.4.1 SCREENING AND PLACEMENT

Generally, prisoners are held alone in cells. If the officer responsible for an individual in custody is considering placement into a cell, the officer responsible for the individual in custody shall (15 CCR 1050):

- (a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

1. 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.
 2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
 - (a) Continuous, direct sight and sound supervision.
 - (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
 3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
 4. Ensure males and females are separated by sight and sound when in cells.
 5. Ensure restrained individuals are not placed in cells with unrestrained individuals.
- (c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
- (d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.
- (e) Ensure the individual's own views with respect to his or her own safety shall be given serious consideration. The Fontana Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment. The department will not tolerate any abuse, harassment or retaliation against any person. The department will take immediate action to protect all persons. All persons in custody will be advised at intake regarding the methods in which to report sexual abuse, harassment, retaliation and neglect. These methods include verbally, in writing, privately or anonymously. Persons in custody will also be advised of at least one way to report abuse or harassment to a public or private entity that is not part of the department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the inmate to remain anonymous.

900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Patrol Division Commander 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:

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

- (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.
 - 1. 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.
 - 2. 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.

900.5 SAFETY, HEALTH AND OTHER PROVISIONS

900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Fontana 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 Fontana Police Department.

The Watch Commander and/or Custodial Personnel 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.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

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

In addition, the Custodial Supervisor shall at least annually, review, evaluate, and make a record of security measures. The review and evaluation shall include internal and external security measures specific to the prevention of sexual abuse and sexual harassment.

900.5.2 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.
 - 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 blankets 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)

900.5.3 MEDICAL CARE

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 assistance should be sought. A supervisor should 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.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

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

900.5.4 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).

900.5.5 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.

- (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.
 - 1. 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).
 - 2. 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.
 - 1. 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.
 - 2. 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 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).

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

- (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).

900.5.6 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.

900.5.7 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.

900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody or any other person shall be documented as stated in the Use of Force or On-Duty Injuries policies, or other applicable reporting process. These records shall be prepared by the staff assigned to investigate the incident and submitted to the Watch Commander before the end of the shift. The report shall include the names of the persons involved, a description of the incident, the actions taken, and the date and time of the occurrence. . The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.9 FIRE SAFETY

The person, designated by the facility supervisor as having responsibility for the Temporary Holding Facility should, at the beginning and end of each shift, inspect the Temporary Holding Facility to ensure:

- (a) No flammable materials are stored in the detention area

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

- (b) Fire extinguishers are serviceable
- (c) Cell keys are available in the Watch Commander's office and the Dispatch Center for emergency use
- (d) First aid kits are readily available and completely stocked
- (e) Smoke detectors are operational

The Custodial Supervisor or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years. (Title 15, California Code of Regulations 1032). The facility administrator will consult with the San Bernardino County Fire Department for feedback to this agencies fire suppression pre plan as requested and will ensure that the facility is inspected biennially pursuant to HS 13146.1(A) and (B)

900.5.9.1 FIRE PROCEDURES

1. In the event of a fire in the detention area the discovering employee should immediately:
 - Notify the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through Dispatch Center
 - Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
 - Begin fire suppression procedures as applicable
2. Responding patrol officers and booking officers, under the direction of the Temporary Holding Facility Manager or Watch Commander, should be responsible for:
 - The evacuation of prisoners
 - Obtaining medical services as needed
 - Securing prisoners in a temporary holding area
 - Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary
3. The Facility Manager, in coordination with the Fire Department and qualified first aid/CPR instructional personnel, shall oversee the training of all department personnel and ensure that they are familiar with:
 - The Temporary Holding Facility policy and procedures; and
 - Fire safety and evacuation plan including the use of the fire extinguisher
4. The Fire Marshal should make annual inspections of the Temporary Holding Facility

Temporary Custody of Adults

900.5.9.2 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

- (a) Safety of public
- (b) Safety of department personnel
- (c) Safety of prisoners
- (d) Security of prisoners

900.5.9.3 NOTIFICATION

- (a) Watch Commander
- (b) All available sworn personnel
- (c) Fire Department
- (d) Medical aid
- (e) Facility Manager
- (f) Facility Administrator

900.5.9.4 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.5.9.5 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or in the case of an emergency of a long duration until they can be transported to West Valley Detention Center.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppressin or other emergency activities.

900.5.10 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

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

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).

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs shall be removed when the person is in a cell. Restraints will not be used in the facility. If a prisoner needs to be restrained for reasons other than safety/security or transportation, he or she will be immediately transported to the County Jail.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS AND RESTRAINTS

Pregnant prisoners shall not be brought into the THF. Anyone who is later found to be pregnant will immediately be removed from the facility in accordance with section 900.10. Prisoners who are 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. Prisoners 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 inmates, the staff or the public. Restraints shall be removed when a professional who is currently responsible for the medical care of a pregnant prisoner during a medical emergency, labor, delivery, or recovery after determines that the removal of restraints is medically necessary. Upon confirmation of an inmate's pregnancy, she shall be advised, orally or in writing, of the standards and policies governing pregnant inmates.

900.7 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. Officers shall take care in the handling of a prisoners's property to avoid discrepancies or losses. Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred.

Smaller items such as a driver's license, pocketknife, wallet, prescription medication and other similar bag, and sealed. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

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.

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.

900.8 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 shall occur at least hourly through direct visual observation. There shall be no more than a 60-minute lapse between safety checks (15 CCR 1027.5).
 1. Safety checks should be at varying times.
 2. All safety checks shall be logged.
 3. The safety check should involve questioning the individual as to his/her well-being.
 4. Individuals who are sleeping or apparently sleeping should be awakened.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

5. Requests or concerns of the individual should be logged.

900.8.1 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 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.

900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

In the event of a suicide attempt, death or serious injury, facility staff shall:

- (a) Immediately request emergency medical assistance if appropriate
- (b) Immediately notify the Watch Commander, Chief of Police and Investigation Division Commander
- (c) Notify the spouse, next of kin or other appropriate person
- (d) Notify the appropriate prosecutor
- (e) Notify the City Attorney
- (f) Notify the Coroner
- (g) Ensure evidence preservation
- (h) In-custody death reviews (15 CCR 1046)
- (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). A copy shall be provided to the Board of State and Community Corrections within 10 days.
- (j) There will be a multi-disciplinary administrative review of suicide and attempted suicides as defined by the facility administrator within 30 days. 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

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

to the incident. Deaths shall be reviewed to determine the appropriateness of clinical care; whether changes to policies, procedures, or practices are warranted; and to identify issues that require further study.

1. Upon the receipt of a death of a minor from the administrator, the Board may within 30 calendar days inspect and evaluate the jail, lockup, or holding facility pursuant to the provisions of this subchapter. Any inquiry made by the Board shall be limited to the standards and requirements set forth in these regulations.

900.10 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 Fontana 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.

900.10.1 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.

Temporary Custody of Adults

900.11 ASSIGNED ADMINISTRATOR

The Patrol Division Commander 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) Storage, issue, use of weapons, ammunition, chemical agents and tools.
- (o) Suicide Prevention
- (p) Segregation of inmates
- (q) Any other applicable requirements under 15 CCR 1029

Each facility administrator shall, at least annually, review, evaluate, and make record of security measures including internal and external security measures, sanitation, safety and maintenance, and include 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).

900.11.1 KEY CONTROL

Key control is an essential element in detention management. To assure the safety of all personnel, the citizens in the community, and other prisoners in the detention facility, control of keys is mandatory. Each employee will be issued a set of building keys that shall be kept on their person at all times.

- (a) **Manual Key Operated Locks:** The manual key operated locks encompass fixed door locks, padlocks, and locks used for storage. This type of lock requires the use of a key to open routinely. The keys must be accounted for at all times.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

1. Each key will be numbered, placed on a ring, and kept inside the key lock box.
 2. At shift change, the oncoming custodial staff member will document the status of the jail keys on the key log. Every jailer will confirm that all other keys are accounted for and secure in the key lock box. Any broken keys must have all parts turned over to the Custodial Supervisor with the key ring.
 3. In the event the keys are broken; the on duty custodial staff will notify the Watch Commander and Custodial Supervisor immediately. The custodial staff will then obtain an emergency set of keys kept in the Watch Commander's office until the broken key(s) are replaced.
 4. If the on-coming shift becomes aware that any keys are missing, the on-duty custodial staff will notify the Custodial Supervisor and Watch Commander that keys are missing. The senior custodial staff member on duty will immediately contact all members of the previous shift to determine if any of the previous shift staff members had retained the set of keys. Once the keys have been located, the employee who is in possession of the keys shall immediately return those keys to the facility.
 5. Security of the facility demands safeguards of the keys. Keys which will allow exit from this facility will be carried with extreme caution, care, and with the highest security. Additional basic securities of the keys are as follows:
 - (a) Do not allow prisoners to handle the keys at any time.
 - (b) Keep the keys on your person. A key chain, securely attached to a belt, and a snap fastener to the ring, is highly recommended.
 - (c) As you routinely operate the locks, check their functioning. Observe to determine if there is any tampering, and make sure there are no shims, or obstructions which might allow the lock not to be secured.
 - (d) Always pull the door after locking to check it. Always pull the padlock to make sure it is locked. Always check to make sure the lock is secure.
 - (e) Staff members may carry their own handcuff keys. It is further advised this key must be secured by the staff member, and when not in use, out of sight in a pocket or pouch. Keys should never be left unsecured on counters, in purses/bags or in unsecured desk drawers.
 - (f) The senior Custodial Staff member on duty will be accountable for the keys to the transport van.
- (b) A set of keys is located in the Watch Commanders office in the event of an emergency.

900.12 TRAINING

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

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

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

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

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

900.13 FACILITY SANITATION AND MAINTENANCE

The Watch Commander or his/her designee should inspect the Temporary Holding Facility at the beginning and end of each shift to ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the jail supervisor.

900.14 ESCAPES

Prevention is the key to escape procedures. If, however, an escape appears to have occurred, immediately notify the Watch Commander and;

- (a) Immediately secure the facility and conduct an emergency count, verifying identification of all prisoners.
- (b) Establish a perimeter to contain the arrestee
- (c) Organize search teams for a coordinated search to locate the escapee.

900.15 DISTURBANCES

- (a) Being responsive, communicative, pro-active, and concerned, is all appropriate behavior of staff assigned. This behavior significantly reduces, or negates the possibility of disturbances within the facility.
- (b) In the event of a disturbance, immediately sound the panic alarm. Staff is to notify the Watch Commander who will advise dispatch and respond for assistance. The Watch Commander and Custodial Supervisor (or senior custodial staff member) will coordinate all efforts with responding units.
- (c) Obtain medical treatment for any injured persons. Make sure all injuries are well documented and photographed.
- (d) A written report of the incident will be prepared by responding officers, including any damage assessment.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

900.16 HOSTAGES

The purpose of the following procedures are to ensure the safety of the hostage as the primary concern, as well as the safety of the inmates and the security of the facility. Implement the quickest and most safe sequence of events.

- (a) Any custodial staff that becomes aware of an existing hostage situation will immediately contact the Watch Commander, who will call for assistance. Identify the hostage(s), and inmate(s) involved, secure the area immediately, and cease all inmate movement.
- (b) Request medical assistance and fire department personnel to respond, and stand by.
- (c) The following is the basic procedure to follow:
 1. Safety of the hostage is of utmost importance.
 2. Staff will insure the immediate area is secure. Lock down situation will exist. All inmates are to be in secured areas or removed to a secured location by appropriate escorting staff.
 3. Suspend all activities, i.e. phone conversations, bookings, tours, movement.
 4. Prevent abductor from obtaining other hostages.
 5. Prevent other inmates from joining the abductor.
 6. to document after the incident is over.
 7. Identified inmate(s) arrest files are to be made immediately available. All information, location and what has transpired up to this time, will be given to the Senior Officer present
 8. Any employee (custodial staff or police) taken hostage has NO authority, regardless of rank or position while they are hostage.
 9. If the abductor has secured an area with monitoring capability, either audio or video, make sure this equipment is shut down completely.
 10. the situation is under control, then, and only then, will the facility restore normal operations.
 11. Any person injured in an incident must receive immediate medical attention.
 12. When situation is under control, then, and only then, will the facility restore normal operations.
 13. Any person injured in the incident must receive immediate medical treatment.

900.17 MASS ARRESTS

An operational plan shall be developed for any event that could result in mass arrests. If employed, mass arrest protocols should fully integrate:

- (a) Reasonable measures to address the safety of officers and arrestees.
- (b) Dedicated arrest, booking and report writing teams.
- (c) Timely access to medical care.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

- (d) Timely access to legal resources.
- (e) Timely processing of arrestees.
- (f) Full accountability for arrestees and evidence.
- (g) Coordination and cooperation with the prosecuting authority, jail and courts.

900.18 NATURAL DISASTERS

- (a) Natural Disasters, such as earthquakes, may occur at any time. The best course of action, depending on the severity, will be to protect in place. Prisoners are instructed to take cover if appropriate, for protection.
- (b) Smoke inhalation is of major concern. Even a small fire may provide sufficient smoke to effect physical damage. Therefore, prevention, use of approved materials; all tend to mitigate this concern. However, if the area becomes heavily saturated with smoke, or any other environmentally unsafe incident occurs, and it is confined to the building itself, then the fire evacuation plan will be implemented. The first area of placement will be east of the building. The second area of placement, if necessary, will be to the north of the building. The Fontana Police Department will provide for armed perimeter security for this area. All efforts will be made to ventilate the building, to return to normal operations as quickly as possible.
- (c) Security must be maintained. Prisoners may become overly reactive in times of stress. This may include escape attempts, or taking advantage of the situation to create more diversions. Individually, or in transport chains, attempt to mitigate the situation by handcuffing. A minimum of one handcuff connecting two inmates will be used. At the same time, display a calm demeanor, which will assist in restoring good order quickly. Your duties will be with the prisoners, inside the Temporary Holding Facility, and the correction of the problem, which effected this emergency reaction.

900.19 EMERGENCY EQUIPMENT TESTING

- (a) Fire extinguishers will be inspected semi-annually by the San Bernardino County Fire Department. The Fire Department inspector will make a notation on the fire extinguisher tag. The fire sprinkler system will be included in the building inspection, provided by the San Bernardino County Fire Department. All fire systems will be inspected routinely by the area fire department staff.
- (b) All other emergency equipment will be tested as required by the manufacturer, and will be noted on the container, or placed on the item by tagging. Panic will buttons, and personal distress alarms will be tested once a month

900.20 STORAGE, ISSUE, USE OF WEAPONS, AMMUNITION, CHEMICAL AGENTS AND TOOLS

Due to this facilities location, directly within the Fontana Police Department, no weapons, ammunition, or chemical agents will be maintained in the Temporary Holding Facility. Any tools required for use in the facility will be closely monitored, and checked to assure removal from the facility after use.

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults

Officers entering the Temporary Holding Facility will lock their duty weapons in the gun safes outside of the facility door before entering

900.21 SUICIDE PREVENTION

Although prisoners are detained in the Temporary Holding Facility for a short period of time, it is still possible for a prisoner to commit suicide. All personnel shall be familiar with the signs, symptoms, and the risk of a suicidal prisoner.

Upon admitting prisoners to the holding facility, it is important to always be alert for those individuals that may exhibit signs of potential suicide. Generally, persons at risk are:

- (a) Prominent persons charged with embarrassing crime.
- (b) Persons held for alcohol or drug related crimes.
- (c) All juveniles.
- (d) Persons with history of self-destructive acts.
- (e) Individuals who state their intention of suicide.
- (f) Individuals who appear overly depressed.
- (g) Prisoners who have visible scars on their wrists or neck indicating prior suicide attempts

Suicides generally occur within the first eight (8) hours of incarceration. The state of intoxication of a person upon incarceration greatly increases the likelihood of suicide. Again, special attention and documentation of observation is critical for intoxicated prisoners. Any prisoner found to be in need of medical attention due to suicide risk or attempt will be kept in constant observation until they leave the Temporary Holding Facility

900.22 SEGREGATION OF INMATES

Segregation of prisoners detained in the Temporary Holding Facility will be for the following reasons:

- (a) Incompatible gang affiliation
- (b) Co-defendants who hold animosity toward the other
- (c) Medical concerns
- (d) will be documented in the file of the prisoner.
- (e) No segregation will occur for race, ethnic, religious, national origin, political or other inappropriate classifications.

Inmates within the Fontana Police Department are kept separated except during transportation. This facility does not provide long term inmate housing.

900.23

Fontana Police Department

Fontana PD Policy Manual

Temporary Custody of Adults
