

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 Newark 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 Newark Police Department prior to being released or transported to a housing or other type of facility.

900.1.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the temporary holding facility operations have been established:

- (a) **Facility Administrator:** The Chief of Police shall be the facility administrator officially charged, by law, with the Policy Services of the temporary holding facility.
- (b) **Jail Facility Manager:** The Operations Division Captain will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations and inspection of the temporary holding facility.
- (c) **Jail Facility Supervisor:** The employee with 24 hour a day functional responsibility for the temporary holding facility including the physical maintenance, cleanliness and supply of the temporary holding facility, will be the on-duty Watch Commander. Any other supervisor may provide assistance.
- (d) **Department members:** Department members shall be those on-duty sergeants, officers, investigators or other designated employees whose additional duties include the supervision of prisoners that are detained in the temporary holding facility.

900.1.3 SUBSECTION TITLE

The Newark Police Department shall maintain a Temporary Holding Facility Policy and Procedures Manual that consists of this Department Policy and also incorporates the following Department Policies:

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

Department Policy 300 Use of Force

Department Policy 306 Leg Restraint Device

Department Policy 308 Control Devices and Techniques

Department Policy 310 Officer Involved Shootings and Deaths

Department Policy 324 Temporary Custody of Juveniles

Department Policy 418 Mental Illness Commitments

Department Policy 420 Cite and Release Policy

Department Policy 422 Arrest and Detention of Foreign Nationals

Department Policy 428 Immigration Violations

Department Policy 514 Drunk Driving Evidence and Collection

Department Policy 1015 Communicable Diseases

The Newark Police Department shall maintain the custody of prisoners in accordance with this policy and the procedures manual and in accordance with the laws as established by the State of California, Board of Corrections.

The purpose of the Newark Police Department Temporary Holding Facility Policy and Procedures Manual is to establish policies and procedures in the booking, housing, security and release of prisoners at the Newark Police Department's temporary holding facility.

900.2 POLICY

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

900.2.1 USE OF FORCE

All Department use of force directives will be complied with per Newark Police Department Orders including Department Policy 300 - Use of Force and and 514 - Drunk Driving Evidence Collection, which are incorporated as a part of this manual.

900.3 GENERAL CRITERIA AND SUPERVISION

900.3.1 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. A sufficient number of personnel shall be employed to ensure the implementation and operation of programs and activities regulated by these regulations.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

Whenever there is an inmate in custody, there shall be at least one member on duty at all times who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety. (PC 6030(e)). The Facility Manager shall ensure there is at least one person on duty who is 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.

900.3.2 SUPERVISION IN TEMPORARY CUSTODY

Whenever there is an subject in temporary custody, there shall be at least one employee on duty at all times who shall be immediately available and accessible to individuals held in temporary custody in the event of an emergency within the facility. The department member should be designated by the Facility Supervisor and shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should 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).

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

900.3.3 NON-DETAINABLE

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Newark 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).

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (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 are unable to care for themselves, or 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).
 - (a) Assess if the person in temporary custody has signs or symptoms of a communicable disease, to include if they have had a cough for more than three weeks along with any of the following: fever, weight loss, night sweats or fatigue
 - (b) At the time of intake into the facility, an inquiry shall be made of the person being booked as to whether or not they have or have had any communicable diseases, such as tuberculosis or has observable symptoms of tuberculosis or any other communicable diseases, or other special medical problem identified by the health authority. The response shall be noted on the screening form.
- (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).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department, but shall arrange to be transported to another jail, appropriate medical or mental health facility..

900.3.4 DETAINABLE SUBJECTS

Subjects in temporary custody who fall within the following classifications may be detained in the Newark Temporary Holding Facility with the approval of the Facility Supervisor. Detainable prisoners include prisoners arrested and detained pending:

- (a) Citation release. Refer to the Cite Release policy, which is incorporated as a part of this manual.
- (b) Transportation to the County Jail.
- (c) Release per P.C. 849b.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

(d) In-custody interview or other investigation.

900.3.5 DEVELOPMENTALLY DISABLED INMATES

Any individual who is obviously developmentally disabled shall be transported to the jail, hospital or other appropriate facility (15 CCR 1057).

900.3.6 MENTALLY DISORDERED INMATES

Any individual who appears to be a danger to him/herself or others due to a mental disorder, or who appears gravely disabled shall be transported to the jail, hospital, or other appropriate facility. (15 CC 1052)

900.3.7 TEMPORARY DETENTION OF FEMALES

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).

900.3.8 TEMPORARY DETENTION OF JUVENILES

When a member of the Newark Police Department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Juveniles should be separated by adults by sight and sound.

Temporary Custody of Juveniles is incorporated as a part of this manual and should be consulted regarding the policies and procedures for the temporary custody of juveniles. All juvenile detentions will be logged per the provisions of the Temporary Detention of Juveniles policy.

900.3.9 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.

900.4 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. The officer should specifically ask if the individual is contemplating suicide and evaluate him/her for obvious signs or indications of suicidal intent.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

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 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, CLASSIFICATION AND SEGREGATION

It is the policy of the Newark Police Department temporary holding facility to segregate prisoners in compliance with the requirements noted in Title 15 of the California Code of Regulations.

As part of the booking procedure, the booking officer shall evaluate each incoming prisoner using the **Intake Screening Form**. This form shall be completed in its entirety, in order to properly assign prisoners according to sex, age, criminal sophistication, seriousness of crime charged, physical or mental health needs, assaultive/non-assaultive behavior, risk of being sexually abused or sexually harassed, and other criteria to ensure the safety of the prisoner and staff and to assess any medical needs. The Intake screening form should be attached to the police report.

It is the responsibility of the arresting officer's supervisor to ensure that the Prisoner Intake Screening Form has been properly completed. After the completion of the form the arresting officer's supervisor will be required to authorize, on a case by case basis, the placement of each prisoner in the Newark temporary holding facility who is not immediately released or transported to another facility.

The officer responsible for an 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). Any individual identified as requiring administrative segregation will be transported to the jail, hospital or other appropriate facility.
- (b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
 - (a) 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.
 - (b) 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.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
- (c) Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
- (d) Ensure males and females are separated by sight and sound when in cells.
- (e) 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.

900.4.2 RECEIPT OF SUBJECTS IN TEMPORARY CUSTODY

The arresting and/or booking officer should:

- (a) Search the cell prior to placing a subject in it to ensure there is no damage or contraband.
- (b) Make a thorough search of all prisoners booked into the temporary holding facility. (Refer to Custodial Searches policy)
 - 1. Female prisoners should be searched by female on-duty officers or other female staff, whenever possible.
 - 2. Remove all hazardous items or contraband from the prisoner's person
 - 3. Remove belts, shoes and jackets.
- (c) Inventory and record all property removed from the prisoner's person.
 - 1. Secure property for safekeeping.
 - 2. Provide a property receipt for any items retained.
- (d) Complete Prisoner Intake Screening form.
- (e) The arresting or booking officer will log the prisoner into the Temporary Holding Facility Log.
 - 1. This procedure is to be completed regardless of the time period the prisoner is to be held in the facility and shall include those prisoners whose admittance is for booking only.
- (f) Search the cell after removing the subject to ensure no damage or contraband was left behind.
- (g) Complete the CRIMS Consolidated Arrest Report online.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

900.4.3 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.

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.

900.4.4 VERIFYING SUBJECT IN TEMPORARY CUSTODY'S MONEY

All money belonging to the prisoner and retained by the officer shall be counted in front of the prisoner by two officers when possible. The currency should be placed in a separate envelope. Negotiable checks or other instruments, and foreign currency should also be placed in an envelope with the amount indicated, but not added to the cash total.

Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in a clear bag and placed with their property.

900.5 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.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (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) Adequate furnishings are available, including suitable chairs or benches.

900.5.2 SAFETY CHECKS

- (a) Safety checks by department members shall be conducted at least hourly through direct visual observation. There shall be no more than a 60 minute lapse between safety checks (15 CCR 1027.5). This check will be conducted through direct visual observation without the aid of surveillance cameras.
 - (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.

900.6 SAFETY, HEALTH AND OTHER PROVISIONS

900.6.1 TEMPORARY CUSTODY LOGS AND SAFETY CHECKS

All adult bookings should be logged into the Temporary Holding Facility Log. The following entries are to be completed by the booking officer and personnel responsible for maintaining subjects in custody at the facility:

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

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

The log shall be kept in the booking area of the temporary holding facility. It is the responsibility of the Facility Supervisor to ensure that all appropriate entries are made.

The Facility Manager should review all logs and shall report to the Facility Administrator as required.

All logs and reports should be maintained in Records for inspection by the Facility Manager, Facility Administrator or other officials as may be required.

900.6.2 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.

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

900.6.3 FOOD SERVICE

Meals will be provided for those in temporary custody in excess of six hours.

Food will be purchased from local restaurants.

Hydration needs are constantly available.

900.6.4 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.

- (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).

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

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).
- (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).

900.6.5 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).

900.6.6 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Operations 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:

- (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.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

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.

900.6.7 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.

900.6.8 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.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

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).

900.6.9 SEXUAL ABUSE AND HARASSMENT DETECTION, PREVENTION AND RESPONSE TO RETALIATION

All allegations of retaliation of any prisoner or staff shall be thoroughly investigated by agency command staff.

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous. Further information on multiple internal ways for inmates and uninvolved inmates, family, community members, and other interested third-parties to privately report sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents are posted in the Police Department Temporary Holding Facility, by the juvenile bench, and in the lobby.

900.6.10 ZERO TOLERANCE AND SEXUAL ABUSE AND HARASSMENT PREVENTION REPORTING PROCEDURE

The Newark Police Department has zero tolerance regarding sexual abuse and sexual harassment.

The Newark Police Department has established multiple internal ways for those in temporary custody to privately report sexual abuse and sexual harassment, retaliation by others in custody or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Detainees or prisoners may make reports verbally, in writing or privately to any staff member or anonymously. The methods for reporting are posted in the facility.

In addition, the Newark Police Department has established a method for uninvolved inmates, family, community members, and other interested third-parties to report sexual abuse or sexual harassment. The method for reporting is posted publicly at our facility.

900.6.11 SUICIDE PREVENTION

- (a) Suicide prevention training is provided during biennial training to all staff that have direct contact with persons in temporary custody.
- (b) Intake screening for suicide risk immediately upon intake. Any individuals showing suicidal risks are immediately transported to an appropriate facility.
- (c) Provisions facilitating communication among arresting/transporting officers, facility staff, medical and mental health personnel in relation to suicide risk.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

1. During the booking procedure, the booking officer shall ask the prisoner if they are contemplating suicide. The officer shall evaluate the subject in custody for other signs or indications the prisoner may be suicidal. If there is any suspicion the subject in temporary custody may be suicidal, they shall be transported to a county jail or appropriate mental health facility. The receiving staff shall be notified in writing (i.e. on the booking sheet, 5150 form, etc) that the subject may be suicidal.
 - (d) Suicidal, or possibly suicidal subjects will be transferred to a hospital or other appropriate facility, as soon as their status is discovered.
 - (e) If the officer taking custody of an individual believes that they may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed (15 CCR 1219).
 - (f) Suicide risk and prevention: Subjects in temporary custody who have been identified as being at risk of suicide shall not be confined at the Newark Police Department Temporary Holding Facility. Department members shall be aware that there may be situations where a person in temporary custody is confined in the temporary holding facility with no initial indications of being a suicide risk.
 - (g) During the screening an evaluation of the person in temporary custody will be completed to ensure that they are not suicidal. All belts, shoes containing shoelaces, and any ties or long strings shall be removed. Officers shall maintain regular, face to face, scheduled checks, which will increase the safety of a person in temporary custody.
 - (h) If department members develop reason to believe a person in temporary custody may harm themselves, the department member shall immediately notify the Watch Commander while maintaining constant visual supervision. Transportation shall be arranged to transport the subject to an appropriate medical facility or county jail as soon as possible.

900.6.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Field Operations Division Commander will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Newark Police Department. The procedures should include the following:

- (a) Immediate request for emergency medical assistance if appropriate
- (b) Immediate notification of the Watch Commander, Chief of Police and Investigation Division Commander
- (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)

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (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)

The Facility Administrator will convene a multi-disciplinary team to review every in-custody death or attempted suicide that occurs within 30 days of an incident. The review team shall include the Facility Administrator and/or Facility Manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

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

900.6.13 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. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable to the Facility Manager or his/her designee. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

Such 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.

900.6.14 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).

900.7 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 should generally be removed when the person is in a cell.

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

If an individual requires additional restraints, they shall be continuously monitored, and immediately transported to the jail, hospital or other appropriate facility.

900.7.1 RESTRAINTS OF PREGNANT ADULTS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg irons, waist chains, or handcuffs behind the body should not be

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure self or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the arrestee, officers, or others (Penal Code § 3407; Penal Code § 6030).

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)
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

900.8.1 USE OF SOBERING CELL

Newark Police Department does not have a sobering cell. Inmates who are 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 shall be transported to the jail, hospital or other appropriate facility.

- (a)
- (b)
- (c)
- (d)
- (e)

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

900.8.2 USE OF SAFETY CELL

Newark Police Department does not have a safety cell. Inmates who are held in the Temporary Holding Facility who display behavior which results in the destruction of property or reveals an intent to cause physical harm to themselves or others shall be transported to the jail, hospital or appropriate facility.

900.9 RELEASE AND/OR TRANSFER

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

- (a) The temporary holding facility should be inspected for damage prior to the release or transportation of any prisoner.
 - (a) (b) Any damages should be noted and, if necessary, an additional Crime Report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
- (b) Subjects in temporary custody should be required to clean cells prior to release or transportation, if a prisoner refuses he or she may not be compelled to clean up nor may his or her release be delayed to accomplish this.
- (c) All proper reports, forms and logs have been completed prior to release.
- (d) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.
- (e) It has been confirmed that the correct individual is being released or transported.
- (f) Dispatch is notified of the subject's release.
- (g) All property, except evidence, contraband or dangerous weapons, has been returned to, or sent with, the individual.
- (h) 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).
- (i) The individual is not permitted in any nonpublic areas of the Newark Police Department unless escorted by a member of the Department.
- (j) 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.
- (k) 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.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (l) 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.

900.9.1 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.

900.10 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 as soon as practical, but within not more than 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 Manager shall maintain records of all such training in the member's training file.

900.11 ASSIGNED ADMINISTRATOR

The Field Operations 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

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (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

The Facility Administrator will ensure necessary inspections and operations reviews:

Facility Administrator shall annually review and evaluate, and make record of security measures including internal and external security measures of the facility such as sanitation, safety, maintenance and include measures specific to prevention of sexual abuse and sexual harassment. (15 CCR 1280).

Fire suppression pre-plan developed with the local fire department. (15 CCR 1029)

The Facility Supervisor or his/her designee shall conduct fire prevention inspections of 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 (15 CCR 1032)

Annual County Environmental Health Inspection

Fire prevention inspection as required by HS 13146.1(a) and (b). The Fire Marshal should make biennial inspections of the temporary holding facility.

Biennial Board of State and Community Corrections Inspection.

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

900.12 FACILITY SANITATION AND MAINTENANCE

The Watch Commander should, at the beginning and end of each shift, inspect the temporary holding facility to minimally ensure:

- (a) 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.
- (b) No flammable materials are stored in the detention area.
- (c) Fire extinguishers are serviceable.
- (d) Cell keys are available in the Watch Commander Office for emergency use.
- (e) First aid kits and CPR equipment are readily available and completely stocked.
- (f) Smoke detectors are operational.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (g) Periodic testing of emergency equipment should be done by city staff. Any maintenance problems will be reported to the Jail Facility Manager.
- (h) Safety inspection records will be maintained for at least two years.

900.13 FIRE AND LIFE SAFETY

In the event of a fire in the detention area the discovering employee should immediately cause:

1. Notification of the Fire Department, Watch Commander and on-duty patrol personnel simultaneously through the communications center.
2. Initiate movement of all prisoners to an area of safety through the utilization of the evacuation plan.
3. Begin fire suppression procedures as applicable.

Responding patrol officers under the direction of the Jail Facility Supervisor should be responsible for:

- (a) The evacuation of prisoners.
- (b) Obtaining medical services as needed.
 1. As necessary, evacuating personnel will apply first aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.
- (c) Securing prisoners in a temporary holding area.
- (d) Arranging transportation of prisoners to the county jail or other temporary holding facility as necessary.
- (e) Initiating an investigation concerning the origin of the fire along with filing necessary reports.

The Facility Manager, in coordination with the Fire Chief and qualified first aid/CPR instructional personnel, shall oversee the training of all Department personnel and ensure that they are familiar with:

- (a) The temporary holding facility policy and procedures; and
- (b) Fire safety and evacuation plan including the use of the fire extinguisher.

900.14 FIRE SUPPRESSION AND PRE-PLANNING

Pursuant to Penal Code 6031.1(b), the Facility Administrator shall consult with the local fire department having jurisdiction over the facility, the State Fire Marshal, or both, in developing a plan for fire suppression which shall include, but not be limited to:

- (a) A fire suppression pre-plan developed with the local fire department to include as part of the policy and procedures manual. The Agency Administrator will be in communication with Alameda County Fire Department regarding the plan.
- (b) Regular fire prevention inspection by facility staff on a monthly basis with two-year retention of the inspection record.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

- (c) Fire prevention inspection as required by Health and Safety Code 13146.1(a) and (b) which requires inspections at least once every two years;
- (d) An evacuation plan.

PRIMARY CONCERNS

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

NOTIFICATION

1. Watch Commander
2. All available sworn personnel
3. Fire Department
4. Medical aid
5. Facility Manager
6. Facility Administrator

EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the jail facility.

The Watch Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports are forwarded to the Facility Manager and Facility Administrator.

EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the temporary holding facility can safely be re-occupied or, as in the case of an emergency of a long duration, be transported to another facility.

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

EMERGENCY HOUSING OF INMATES

Prisoners will be transported to another facility as necessary.

900.15 GENERAL SECURITY AND CONTROL

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, and upon approval of a supervisor.

Newark Police Department

Newark PD Policy Manual

Temporary Custody of Adults

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.

A key shall be available to the custodial personnel, and Facility Supervi

No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in that area.

900.15.1 BOOKING ALARM

In the event the facility alarm is activated in the Temporary Holding Facility, all available officers in the building shall respond to assist. Dispatch shall additionally assign field units to respond until the situation warranting the alarm activation stabilizes.

This alarm should be periodically tested, and any problems reported to the Facility Manager.

900.15.2 [ESCAPE, DISTURBANCE AND TAKING OF HOSTAGES](#)

When an officer or other staff member determines that an escape, disturbance or hostage situation is taking place or about to take place, the staff member shall immediately take appropriate steps to mitigate the situation, and shall, as soon as practicable, notify the Watch Commander. The Watch Commander shall assess the severity of the incident and take necessary steps to ensure the safety of members, prisoners, and other involved persons. The Watch Commander shall ensure that requests for appropriate resources are made. The Facility Manager shall be notified as soon as practicable.

900.15.3 MASS ARRESTS

In the event of a group arrest where it is deemed necessary to book which would exceed the maximum capacity of the Newark Police Department Temporary Holding Facility, the excess arrestees shall be transported to the Fremont Jail or Santa Rita Jail for processing and booking

900.15.4 NATURAL DISASTERS

Fires, earthquakes, power outages, or other natural disasters may occur without warning and are managed according to the issue at hand. Safety of staff and prisoners shall be of the utmost importance in the event of a natural disaster. The following shall be considered in the event of a disaster and may require the evacuation of the Temporary Holding Facility due to fire, natural disaster, or other emergency. Officers shall consider any medical or safety needs that need to be addressed and make the appropriate notifications. 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 citizens of Newark.