

LA MESA POLICE DEPARTMENT INSTRUCTION

LEGAL: ARREST AND DISPOSITION PROCEDURES**No: 411**Adopted: July 30, 2003 / Revised June 2006, September 2006,
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Ray Sweeney, Chief of Police

I. PURPOSE

To establish policies and procedures for all La Mesa Police Department personnel concerning the arrest, custody, treatment, processing and disposition of arrested persons.

II. GENERAL ORDER

All police personnel shall comply with the rules of arrest, custody, treatment, processing, and disposition as provided for in the appropriate code sections of the Penal Code, the La Mesa Municipal Code and Department Policies and Rules concerning the treatment of arrested persons and prisoners.

- A. In furtherance of these responsibilities, officers shall adhere to Department Policy as set forth in the applicable Department Instructions.
- B. The Watch Commander, or in his absence the Field Supervisor, has overall responsibility for all arrested persons and shall insure compliance by all personnel with Department Policies, Procedures, Rules, and applicable laws relating to the arrest, custody, treatment, processing and disposition of arrested persons.
- C. The Watch Commander has overall responsibility and supervision for all prisoners detained in the La Mesa Police Department Temporary Holding Facility (jail) and shall insure compliance by all personnel with Department Policies, Procedures, Rules, and applicable laws relating to their custody, booking, control, health, safety and welfare. The Services Commander shall inspect the Temporary Holding Facility annually with periodic inspections conducted by the Watch Commander and Fire Marshal to insure compliance with Minimum Standards for Local Detention Facilities. The Services Commander will also insure that all personnel comply with the Jail Fire Safety Plan, Department Instruction 507, and Criminal Records Procedures, Department Instruction 105.
- D. All officers are required to complete arrest reports detailing the circumstances of the arrest and/or crimes committed by the subject of their

arrest, to include probable cause forms, statement of case, witness forms, Notice to Appear Forms, 849 PC forms and booking slips, if required. All reports and forms shall be accurate, legible, and complete.

- E. In general, persons who have been arrested by Department personnel will either be booked into a jail facility, released on their own recognizance via a citation, or released per 849(b) of the Penal Code. With the approval of the Watch Commander, a prisoner may be released from custody outside of these provisions to allow the prisoner to seek medical attention. In authorizing such a release, the Watch Commander should consider whether this action unreasonably compromises public safety, or unreasonably compromises the prosecution of the offense for which the person was arrested. Release of a prisoner under these circumstances should not be considered in the following circumstances:
1. The person was arrested for a violent crime.
 2. The person has not been reliably identified.
 3. The person has made express or implied threats to harm another person.
 4. Medical treatment is needed for injuries sustained as a result of the person's arrest.

III. WARRANT/OTHER JURISDICTION ARRESTS

All officers shall be familiar with those sections of the Penal Code, Welfare & Institutions Code, and Vehicle Code that apply to warrant arrests.

- A. The service of outstanding arrest warrants is generally the responsibility of the San Diego County Sheriff's Department or the agency/officer who sought the warrant. However, all officers have a responsibility and duty to assist in the service of arrest warrants, may serve arrest warrants they obtain through investigation of crimes, discovered while detaining persons for investigation or as assigned by superior authority.
- B. Once an officer is aware of the possible existence of an arrest warrant for a person the officer has contacted or is investigating or seeking, that warrant must be confirmed through NCIC, the Sheriff's Department, or through the agency holding the warrant before an arrest is made. If the warrant cannot be immediately confirmed, the officer may not detain the subject beyond a reasonable period of time. If the "reasonable time period" standard is exceeded, the subject shall be released from detention. If the subject is released, the officer should record sufficient information about the subject to aid in a later arrest should the warrant be confirmed.

- C. If the warrant is confirmed and found to be valid, the officer shall take great care in determining that the person named on the warrant is the person the officer will detain or has detained. Verification is to be made using the following criteria: (1) driver's license number, social security number, and/or date of birth match; (2) physical description, tattoos, birthmarks and addresses; and (3) other pertinent information or facts to identify the person, such as photographs, fingerprints, auto license number, written materials, and admissions of existence of the warrant by the subject. Information used to verify that a person is the subject of the warrant is to be noted in the arrest report.
- D. The arresting officer is responsible for notifying the Field Supervisor and Watch Commander that a warrant arrest will be attempted or has been made. All warrant arrests shall be approved by the Field Supervisor. The Watch Commander shall indicate his/her approval of the arrest by writing his/her initials and the date and time on the jail booking slip after confirming the arrest information, or will order the release of the subject in accordance with the authority of 849 P.C.
- E. The Sheriff's Department or warrant holding agency will send warrant abstracts to the police station by teletype, if applicable. The transporting officer shall pick up the warrant abstract at the station and deliver it at the time of booking to the Sheriff's facility receiving the prisoner. Under special circumstances, warrant abstracts may be sent directly to the Sheriff's facility where the prisoner will be booked.
- F. For warrant arrestees eligible to be booked for San Diego City warrants under their guidelines, the dispatcher or officer shall advise the Sheriff's Department to send the warrant abstract to La Mesa PD. A copy of the warrant abstract will be delivered to the San Diego County Jail with the arrestee for booking.
- G. For out-of-county warrants (NCIC, etc.), warrant abstracts must accompany the prisoner to jail or arrangements must be made by the dispatcher who confirms the warrant to have the agency holding that warrant send the abstract directly to jail.
- H. The officer shall use discretion before arresting for a valid warrant, considering the bail amount, the violation involved, the physical or medical problems of the subject, custody of small children, and the out-of-service time required to dispose of the matter.
- I. In those cases where a person is arrested on a warrant only and has the necessary bail money in his possession, he/she may post the bail at Las Colinas and then be released there.

- J. The arresting officer is responsible for returning confirmed, non-served warrant abstracts to the issuing court when the defendant is not booked, released or escapes in accordance with the Sheriff's Policy. The arresting officer will use the LMPD "Notice of destruction of abstract and request warrant be restored to active status" form and fax that form to the Sheriff's Department. This action is required by the court to reissue the non-served warrant.

IV. CITIZEN ARRESTS

All officers shall be familiar with those sections of the Penal Code that apply to citizen (private party) arrests and officer responsibilities.

- A. Officers should make every effort to inform complaining parties of their rights and liabilities concerning private party arrests and determine if probable cause existed for the arrest. Officers should follow the guidelines of Penal Code Section 142. Officers are not required to accept a private person's arrest if they believe probable cause did not exist for the arrest. If the private party elects to arrest another person, the officer shall have the private party sign the ARJIS 8 Form and attempt to arrest the alleged violator or accept custody of an arrested subject. Officers should attempt to obtain handwritten statements from private parties that have arrested persons. Shoplifters may be processed per Department Instruction 404. Shoplifters with prior convictions and time served for any offense enumerated in Penal Code Section 666 should be handled as felons.

V. FELONY, MISDEMEANOR and INFRACTION ARRESTS

All officers shall be familiar with those sections of the Penal Code, Welfare & Institutions Code, Vehicle Code and La Mesa Municipal Code that apply to felony, misdemeanor and infraction arrests.

- A. Persons arrested for infraction violations shall be released on their promise to appear (Own Recognizance), unless they fail to meet the minimum guidelines for release under applicable Penal Code, Vehicle Code or Municipal Code law and require booking into jail.
- B. Persons who are arrested for misdemeanors committed in the officer's presence, or a misdemeanor outside the officer's presence as allowed by statute, who qualify to be released on their promise to appear (Own Recognizance), shall be booked at the La Mesa Police Department prior to their release.

- C. It is not necessary to book an arrested person at the La Mesa Police Department if that person is to be booked into a jail facility, or detoxification facility per 647(g) P.C./5170 W&I. If the responsible officer is able to complete his/her investigation and the interrogation of the suspect in the field, the suspect may be taken directly to jail or Detox with the approval of the Watch Commander.
- D. The Watch Commander shall be responsible for the proper disposition of all prisoners and shall have the authority to release prisoners or to change the charge under which they are held when there is sufficient fact or evidence to warrant such action. The Watch Commander shall also review their booking and shall determine that the proper charge is placed against them or if the facts do not warrant an arrest being made, that the person is released from custody. However, before releasing any person in custody and accused of a crime, the facts and evidence must be carefully analyzed and shall not require conclusive proof of guilt but only that probable cause exists that the crime specified was committed, and the person making the arrest had the authority to do so. Prior to the subject being taken to jail, the Field Supervisor and Watch Commander must be advised of the arrest, all charges, and must approve the planned disposition. The Watch Commander must initial and write the date and time on the booking slip to indicate his/her approval of the arrest, or release the person per 849(b) P.C.

VI. INTER-AGENCY ASSISTANCE

Officers have a responsibility and duty to assist officers of outside law enforcement agencies in compliance with the San Diego County Mutual Aid Agreement and Department Policy as contained in Department Instruction 310 - Inter-Agency Notification Policy, Instruction 607 - Pursuit Policy and Rule 3.01, General Duties. Furthermore, our officers have a duty and responsibility to assist persons and other law enforcement officers when called upon to aid, assist, receive, or arrest persons under Sections 142, 148, 150, and 839 of the California Penal Code.

VII. DETENTION, BOOKING AND RECORDS

All officers shall be familiar with those sections of the Penal Code, Welfare & Institutions Code, Vehicle Code, Family Code, and California Code of Regulations that apply to the detention, booking, processing, treatment, and disposition of arrested persons in booking and Temporary Holding.

- A. All officers will adhere to applicable laws and Department Policies regulating the use of force in their treatment and control of prisoners.

- B. All adult prisoners brought to the Police Department should be secured to the prisoner bench, booking room bench, or placed in a detention cell, unless they are under the immediate control of an officer for searching, interviewing, booking, personal needs, or transportation.
- C. Prior to entering the booking bench area, booking room, interview room, or detention cell with a prisoner, officers should secure their handguns, knives, Tasers, OC and expandable batons in the gun lockers. Officers should secure their standard batons in their patrol vehicles.
- D. All prisoners shall be thoroughly searched for weapons, contraband, and evidence of the offenses or other violations. Strip, visual body cavity, and physical body cavity searches shall be in accordance with 4030 P.C., and only with the prior approval of the Watch Commander.
- E. An entry on Detention Data Record shall be completed on all prisoners secured in a detention cell or booked at the La Mesa Police Department. A prisoner who is placed in a maximum restraint device shall also be logged in the Data Record to facilitate a record of visual observations. A maximum restraint device includes any device which immobilizes a prisoner's extremities and/or prevents the prisoner from being ambulatory. The provisions of this instruction regarding maximum restraint devices do not include handcuffs, shackles, or other restraint devices used to restrain prisoners for security reasons. The Detention Intake Screening form will be completed on adults who are placed in detention cells.
- F. The Watch Commander is to be advised by the officer having custody when a prisoner is to be placed in a detention cell and/or will not be under the immediate control of the officer. The prisoner should be placed in the appropriate cell for detention. The officer having custody of the prisoner must complete all applicable information in the Detention Data Record if the prisoner is placed into a cell for any length of time. The releasing or transporting officer shall enter the disposition of the prisoner in the Detention Data Record at the time the prisoner is released from custody or transported to another facility. If the prisoner is processed by booking, all records shall be complete and accurate.
- G. The arresting and/or processing officer will complete the appropriate sections on the Juvenile Detention/Booking Log for all juveniles arrested and detained at the police department, except curfew violators. In order to facilitate documenting the visual checks of a juvenile restrained in maximum restraint devices, the Juvenile Detention Log will be completed whenever a juvenile is placed in maximum restraints though not placed in a

cell or otherwise placed in secure detention. The Detention Intake Screening form will be completed on juveniles who are placed in detention cells.

H. Prisoners being moved between the prisoner bench, booking room or detention cells shall be required to have their hands in their front pockets or will be handcuffed. Officers shall keep prisoners in front of them at all times. Prisoners will not be allowed personal property while secured in detention cells or the Booking Room. Property such as shoes, belts, wallets, money, jewelry, hats, knives, cigarettes, matches, etc., will be secured in prisoner property bins. Prisoners detained in the booking room are to be kept under constant observation and are the responsibility of the officer having custody.

I. Temporary Holding Facility Procedures:

All personnel will conform to the guidelines as set forth in Department Instruction 414 and the La Mesa Police Department Holding Facility Manual.

J. Officers shall keep the Watch Commander informed about the custody, control, health, safety, and welfare of all arrested persons and prisoners brought into the Police Department or placed into detention cells.

K. If a prisoner is found to have died while in custody, the Watch Commander will be notified immediately. The Watch Commander will notify the Services Division Commander who will initiate detective callout procedures. Unless otherwise directed by competent authority, the Investigations Unit will have the preliminary investigative responsibility in such death cases. The San Diego County Medical Examiner will be notified at the appropriate phase of the investigation. DOJ will be notified as required by law.

VIII. EMANCIPATION - DISPOSITION OF MINORS

The Emancipation of Minor's Law is contained in the Family Code sections 7000 through 7143. Section 7002 specifies that a person under the age of 18 years is an emancipated minor if any of the following conditions are satisfied: (a) the person has entered into a valid marriage, whether or not the marriage has been dissolved; (b) the person is on active duty with the armed forces of the United States; or (c) the person has received a declaration of emancipation pursuant to Section 7122 of the Family Code.

A. An emancipated minor has seventeen adult rights as set forth in Section 7050 F.C. Officers should be aware of those rights that apply in arrest and

disposition situations and shall process emancipated arrested minors in accordance with these rights and provisions:

1. F.C. 7050(b) - An emancipated minor is not subject to their parents custody, or control. The parent should not be called and informed of the arrest, nor required to take custody of the minor.
2. F.C. 7050(c) - Section 300 and 601 W&I do not apply to emancipated minors.
3. F.C. 7050(e)(1) - An emancipated minor may consent to medical, dental, or psychiatric care without their parents consent, knowledge, or liability.
4. F.C. 7050(e)(15) - An emancipated minor may establish their own residence.
5. W&I 303, 602, 603, 603.5, 607, and 707 - The Juvenile Court retains jurisdiction over emancipated minors until age 18 for criminal and traffic violations, until age 21 for wards of the court, and until age 25 for wards assigned to the California Youth Authority, unless jurisdiction is waived for prosecution in adult court under Section 707 W&I. Emancipated minors under 18 years of age may be, if necessary, booked into Juvenile Hall. Those subjects' 19-25 years shall be booked into adult jail, if necessary, with a copy of the report forwarded to the Juvenile Court for information.

IX. OTHER PERSONS

Arresting officers shall comply with Penal Code Section 834b and 834c, Law Enforcement Cooperation with INS and Arrest of Foreign National; Right to Contact with Consular Official; Policy or Training Manuals; Countries Requiring Notification under Vienna Convention.

An officer shall seek guidance and follow orders from their immediate supervisor concerning the arrest and disposition of foreign nationals, foreign diplomatic and consular personnel, visiting immigrants, illegal immigrants, military personnel, federal or local police officers, political officials, and persons of notoriety or fame.

**LA MESA POLICE DEPARTMENT
Jail Intake Screening Form**

Date: _____ Time: _____ AR#: _____

Name of Prisoner: _____ DOB: _____

All persons placed in or secured in the La Mesa Police Department Temporary Holding Facility (Jail) shall receive a preliminary screening for medical and health problems, as well as developmental disabilities. Officers shall use medical screening protocol as well as observation and evaluation in determining need for care. Any inmate answering, "Yes" to any questions or who appears to need medical care or who requests it shall be attended to by the appropriate medical provider. Notify the Watch Commander when a prisoner answers "Yes" to any questions or requests medical care. Circle answers.

1. Are you injured/hurt or been in an accident (last 72 Hrs.)? Yes / No
2. Do you see a doctor for medical or psychiatric reasons? Yes / No
3. Are you a patient of a Regional Center for the disabled? Yes / No
4. Are you taking any medications? Yes / No
5. Do you regularly use drugs or alcohol or both? Yes / No
6. Do you have problems when you stop drinking? Yes / No / NA
7. Have you ever attempted suicide? Yes / No
8. Are you thinking about suicide? Yes / No
9. Do you have any allergies? Yes / No
10. Do you have a prosthetic device (artificial limb)? Yes / No
11. Do you have Tuberculosis (TB), Venereal Disease (VD), Measles, Chicken Pox, Hepatitis or HIV? Circle one, if "Yes". Yes / No

Officer/Watch Commander's Comments:

Officer _____ I.D. # _____

Department Instruction No. 414