

# HOLDING FACILITIES

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POLICE SERVICE OF SALINAS

# TITLE 15 UPDATE

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- \* Title 15 Overview
- \* Identify Different Type of Jail Facilities
- \* Analyze Dept. Policies (900) & Indentify Risk Factors
- \* Identify Type I Jails & Specific Requirements
- \* Signs and Symptoms of Jail Suicide
- \* Identify 6 Different Jail Inspections
- \* Identify Special Requirements for Juveniles in Custody

# TITLE 15 FACTS

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- Board of Corrections(BOC) was established in 1944



- BOC was changed to California Dept of Corrections and Rehabilitation(CDCR) in 2005

# TITLE 15 FACTS

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- CDCR was changed to the Board of State and Community Corrections in 2012 (BSCC)



- PC 6030 mandates CSA to establish minimum standards for correctional facilities

# TYPES OF JAILS

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# TYPES OF JAILS

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## Temporary Holding Facility

A local detention facility used for the confinement of person for 24 hours or less pending release, transfer to another facility of appearance in court



# TYPES OF JAILS

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## Type I

Local detention facility used for persons not more than 96 hours excluding holidays. May also detain on court order for their own safekeeping or sentenced to a city jail as an inmate worker



# TYPES OF JAILS

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## Type II

Local detention facility used for the detention of persons pending arraignment during trial and upon a sentence of commitment





# TYPES OF JAILS

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## Type III

Local detention facility used for the detention of convicted/sentenced person



# TYPES OF JAILS

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## Type IV

Local detention facility or portion thereof designated for the housing of inmates for work/education furlough and/or programs involving inmate access into the community



# LIABILITY

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Identify 5 Biggest Liabilities in the Jail

# TYPES OF LIABILITIES IN JAIL

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- Lack of Training
- Suicide
- Medical Issues
- Use of Force
- Lack of Documentation
- Improper Classification
- In Custody Death

# I024. COURT/TEMP HOLDING TRAINING

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- 8 Hours within 6 months of assignment:
  - Minimum Jail Standards
  - Jail Operations Liability
  - Inmate Segregation
  - Emergency Procedures & Planning
  - Suicide Prevention
- 8 hr. refresher once every 2 years



# I 025. CONTINUING PROFESSIONAL TRAINING

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## **Type I – IV**

Core: Within 1 yr of assignment

24 hrs. annually : Line staff, supervisors,  
managers & administrators

# I 027. NUMBER OF PERSONNEL

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- A sufficient number of personnel shall be employed to conduct at least hourly safety checks through direct visual observation
- (Policy States every 30 min!! Follow Policy)
- When an inmate is in custody, there shall be an employee at all times immediately available in the event of an emergency
- Whenever there is a female in custody there shall be a female employee immediately available
- (Policy states in the event none are available, in custody should go to CJ)

# I 028. FIRE & LIFE SAFETY STAFF

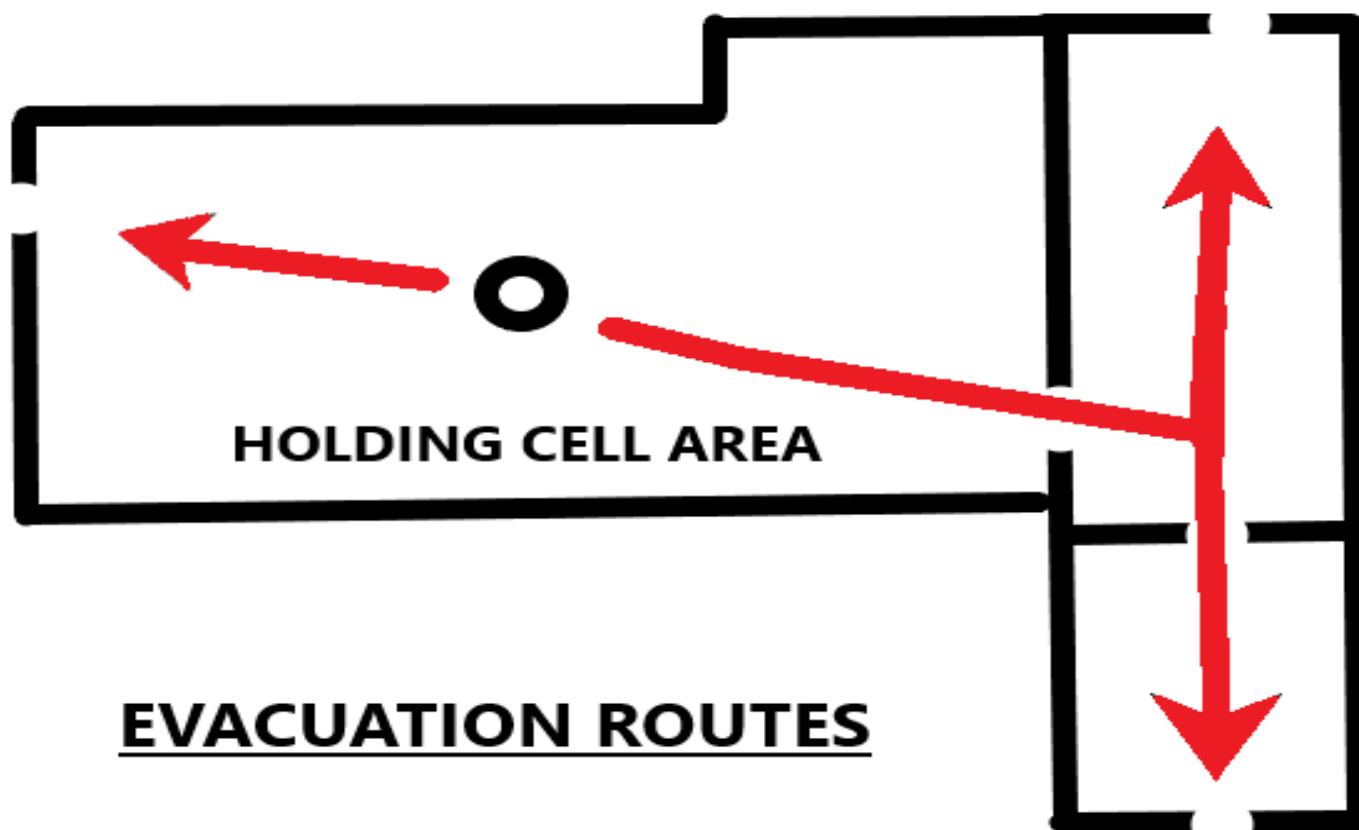
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- If one inmate is in custody, you shall have one person on duty who meets CSA standards on Fire & Live Safety procedures relating to the facility
- Don't have the Records Clerk Babysitting!!



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**HOLDING CELL AREA**

**EVACUATION ROUTES**

to main building

# I 029. POLICY & PROCEDURES MANUAL

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- Each Dept. shall have a Policy & Procedures Manual for the facility (Lexipol Section 900)
- Shall address Title 15 & Title 24 regulations
- Reviewed & updated every 2 years
- Make available to employees
  - Title 15 tells you what to do....Your manual tells you how to do it!



# 1051. COMMUNICABLE DISEASES

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- At intake, inquire if inmate has:
  - TB
  - Airborne Diseases
  - Medical problem
    - Segregate until medical eval & notate on booking form, consider direct transport



# I044. INCIDENT REPORTS

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- Incidents resulting in physical harm or serious threat of harm to employee or inmate
- Names of person involved, description of incident, actions taken, date/time of incident
- Must be submitted to Facility Manager within 24 hours of occurrence

# I046 DEATH IN CUSTODY

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## Review of every in- custody death

- Facility Administrator/Manager
- Health Administrator
- Responsible Physician
- Othe relevant parties

## Death of Minor

Provide CSA a copy of the Attorney General Report within 10 days

The board may within 30 days inspect & evaluate facility

(Policy states we follow 187 protocol immediately notify supervisor etc.)

# I 050. CLASSIFICATION PLAN

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- \* Sexual Orientation
- \* Age(young/elderly)
- \* Criminal Sophistication
- \* Gang Affiliation
- \* Assaultive/Non- Assaultive
- \* Rape
- \* Escape History
- \* High Profile(media coverage)
- \* Celebrity Status
- \* Seriousness of Crime
  - \* Child Victim
  - \* Physical or Mental Needs
- \* Police Informant

# GENERAL HOUSING

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- Safety checks shall be completed no less than once an hour
- (Police states every 30 minutes, policy trumps!)
- Notate meals
- Notate phone usage, visitation, interviews, times meds were provided
- No longer then six hours per policy unless approval of WC



# ADMINISTRATIVE SEGREGATION

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Admin Seg shall consist of separate & secure housing for inmates that are prone to:

- \* Escape
- \* Assault staff
- \* Assault other inmates
- \* Disrupt operations
- \* Protection from other inmates
- \* Admin seg shall not deprive inmate of privileges



# I 052. MENTALLY DISORDERED INMATES

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Identify & Evaluate Mentally Disordered inmates

- \* Danger to self
- \* Gravely disabled

Medically Evaluate within 24 hours (possible 5150 W &I)

- \* Segregate to protect safety

(If inmate meets this criteria, they should not be housed & transported for 5150 W&I)

# I056. USE OF SOBERING CELL

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- Inmates who are a safety threat due to level of intoxication
- Cannot stay in Sobering Cell over 6 hours(without MT)
- Safety Checks no less than every 30 mins.
- (We do not have safety cells, do not house extreme 647f, consider medical as priority)
- **If there is no sobering cell-must have constant visual observation.**

# I 058 USE OF RESTRAINTS

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- Dept. Policy must be written with physician
  - Acceptable restraint devices
  - Signs/symptoms that require immediate MT
  - CPR equipment available
  - Protective housing
  - Hydration/sanitation
  - Exercise extremities
  - Review every 2 hours for continued retention
  - MT every 6 hours
  - Document checks twice every 30 mins.
    - Do Not Place in Cell with cuffs/shackles

# 1059. DNA COLLECTION, USE OF FORCE

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Attempt voluntary compliance first

Reasonable Force (298.1 PC) to obtain:

- \* Blood
- \* Saliva
- \* Thumb/palm print

Force shall not be used without written authorization from a supervisor

If force requires a cell extracating it shall be audio & video taped

## ***What is Reasonable?***

Force that an objective, trained & competent correctional employee, faced with similar facts & cicumstances, would consider necessary & reasonable



# SUICIDE VIDEO

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- <https://youtu.be/tGeHOGiFMzA>

# TITLE 15 ARTICLE 3 SECTION 1024

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**Custodial personnel who are responsible for supervising inmates in, and supervisors of, a Court Holding or Temporary Holding Facility SHALL complete 8 hours of specialized training within 6 months of appointment. 8 hours of refresher training must be completed every 2 years. Such training SHALL include, but not limited to:**

- Applicable minimum jail standards
- Jail operations liability
- Inmate segregation
- Emergency procedures and planning, and....
- Suicide prevention

# MINIMUM JAIL STANDARDS

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- Emergency Suspension of requirements
- Facility Design Criteria
- Meals and Snacks (If housed longer then 6 hours)
- Policy and Procedure Manual (Lex 900)
- Inspections and operations review
- Incident Reports

# STANDARDS CONTINUED...

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- Records and Maintenance retention
- Key Control
- Weapons, ammo and chemical agents
- Number of personnel
- Population accounting
- Contact between juvenile and adult prisoners
- Searches

# EMERGENCY SUSPENSION OF REQUIREMENTS

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- Title 15 – Board of Corrections, Section 1012

The Facility Administrator may temporarily suspend any standard or requirement in the event of an emergency which threatens the safety of the facility, inmates or staff or the public, provided such regulations are directly affected by the emergency

# FACILITY DESIGN CRITERIA

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- ▶ SPD is a Temporary Holding Detention Facility
- ▶ Defined by the State of California, Code of Regulations, Title 15 – Crime Prevention and Corrections, Division 1.
- ▶ Adult Prisoners can not be held more than 24 hours and are typically held no longer than 8 hours before release or transport. (6 Hours Policy unless WC approval)



# MEALS AND SNACKS

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- ▶ The Board of Corrections requires:
  - Food shall be served three (3) times in a 24 hour period. At least two (2) of these meals shall include hot food
  - If more than fourteen (14) hours pass between meals, supplemental food must be served. Additionally, supplemental food must be served in less than the fourteen hour period for prisoners on medical diets requiring more than three meals.

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- ▶ The prisoner will be given a minimum of 15 minutes and a maximum of 30 minutes to consume the meal.
  - ▶ Upon completion of the meal, the items will be retrieved from the cell. No items should be left behind and care should be taken so as the prisoner has not concealed any of the items which may have been broken off.
  - ▶ If prisoner refuses to comply, entry will not be made until there are a minimum of two officers present.

# MEALS AND JUVENILES

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- Juveniles who have not eaten within the last 4 hours must be offered food or if it appears they are in need of nourishment.

# INSPECTIONS AND OPERATIONS REVIEW

- The detention facility manager will ensure jail procedures are reviewed and updated annually.
- Physical operation and inspection of the facility will occur monthly. (Processing Officer should inspect cell prior to placing subject inside)
- The shift supervisor shall inspect the facility daily for deficiencies and will ensure immediate correction is done. (Report deficiencies to Supervisor asap)

# KEY CONTROL

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- Entry in and out of the booking area is controlled by either key card. (Officer key card)
- Keys for the cells are contained in WC office area and should remain there.
- When not in use, keys should remain out of reach of prisoners.
- A spare set of keys are stored in the Watch Commanders Office and should be used at last resort and returned immediately after use.

# WEAPONS, AMMO & CHEMICAL AGENTS

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- ▶ No weapons, ammunition or chemical agents shall be taken into the booking facility without permission of the shift supervisor.
- ▶ The only exception to this is the ammunition and chemical agent that officers carry on their duty belts.
- ▶ No weapon or ammunition shall be stored in the holding cell area.
- ▶ Ammunition from a prisoner's property shall immediately be removed from the holding cell area.



# DEPARTMENT POLICY

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- SPD Policy 900 – Temporary Custody of Adults
- SPD Policy 902 – Custodial Searches
- SPD Policy 324.4 - Temporary Custody of Juveniles
- SPD Policy 900.1 – Custodial Searches

# STATE JAIL INSPECTIONS

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- Juvenile Justice Commission
- Grand Jury
- State Fire Marshal
- County Health & Environmental  
Departments

# LIABILITY

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## Criminal Law vs. Civil Law

### Criminal Law –

- Public wrongs against all people of the state
- Prosecuted by the state in the name of the people

### Civil Law

- Wrongs against individuals
- Prosecuted by the individual for personal benefit

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In short, if you violate an inmate's rights, you can be held liable and may be:

- **Fired**
- **Sued**
- **Prosecuted**

# DEFINITIONS AND TERMS APPLICABLE TO COURT & TEMP HOLDING FACILITIES

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- Temporary Holding Facility
- Non-Secure Custody
- Temporary Custody
- Secure Detention
- People with Disabilities
- Safety Checks
- Discipline

# TEMPORARY HOLDING FACILITY

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- A local detention facility constructed after January 1, 1978, used for the confinement of persons for 24 hours or less pending release, transfer to another facility or appearance in court



# TEMPORARY CUSTODY

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- The person is not at liberty to leave the facility. This normally applies to situations in which the person is going to be released after booking procedures; short term detention at this facility; or is transported to another facility. The person is placed in a locked room or enclosure until released.

# NON-SECURE CUSTODY

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- The person's freedom of movement is controlled by the use of physical barriers (unlocked doors) and/or staff. This normally applies to a person under the age of fourteen (14) years and the minor must be under the constant visual observation and supervision of departmental staff. The minor cannot be physically secured to a cuffing rail or any other stationary object.

# SECURE CUSTODY

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- The person is placed into a locked room or enclosure and/or is physically secured to a cuffing rail or other stationary object.

# PEOPLE WITH DISABILITIES

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- Includes, but not limited to, persons with a physical or mental impairment that substantially limits one or more of their major life activities or those persons with a record of such impairment or perceived impairment that **DOES NOT** include substance use disorders from current illegal use of a controlled substance.

# SAFETY CHECKS

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

# DISCIPLINE

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- The practice of training people to obey rules or a code of behavior, using punishment to correct disobedience.



# DISCIPLINE

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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 possible. Any action taken such as restraints, securing to a handcuff rail, placement in isolation cells, etc. **SHALL** be for the sole purpose of preventing injury or harm to the prisoner, the officer, other employees.



# HOLDING ROOM DETENTION

Police Service of Salinas  
312 E. Alisal Street  
Salinas, CA 93901  
(831) 758-7090

Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

\_\_\_\_\_  
Last Name, First Name, MI Age Officer/Detective

\_\_\_\_\_  
Time Secure Detention Began Room Number Time Secure Detention Ended

Charges: \_\_\_\_\_

Property taken: YES / NO (Circle One)

Property Returned: YES / NO (Circle One)

Property at MCSO Jail: YES / NO (Circle One)

Locker number: \_\_\_\_\_

Property Description: \_\_\_\_\_

## MINORS ONLY – DETENTION REASONS

(Check One)

- ☐ Further criminal activity against person is likely; self destructive acts are likely.
- ☐ May be at risk of harm if released.
- ☐ Brief time required for investigation; facilitate release to parent/guardian.
- ☐ Arrange for transfer to Juvenile Hall.

If held over three hours were phone calls allowed? .....YES / NO N/A

Condition of room when detention began GOOD / DAMAGED  
(Circle one)

Condition of room when detention ended GOOD / DAMAGED  
(Circle one)

Name of Watch Commander notified / Time

List exact times checks were made no less than every 30 minutes

## MINORS ONLY:

- Provided with a cushion? ..... YES / NO --- Provided with Reading material? ..... YES / NO
- Has the juvenile eaten within the past 4 hours? ... YES / NO --- Does the juvenile request a snack? ..... YES / NO
- Informed of purpose of detention, expected duration of detention and maximum total ..... YES / NO

## MEDICAL SCREENING AND CLASSIFICATION QUESTIONS / OBSERVATIONS

- Are you presently taking medication for diabetes, heart disease, seizures, arthritis, asthma, ulcers, high blood pressure, or psychiatric disorder? (If yes, circle condition) ..... YES / NO
- Do you have AIDS or venereal disease? ..... YES / NO
- Have you recently been hospitalized for a medical or psychiatric illness? ..... YES / NO
- Have you recently fainted or had a head injury? ..... YES / NO
- Do you have epilepsy, diabetes, tuberculosis or hepatitis? ..... YES / NO
- Are you pregnant? ...YES / NO --- Written and Verbal advisements?.. YES / NO
- Do you have/suspect any contagious disease/other medical concerns?.. YES / NO Describe: \_\_\_\_\_
- (Circle one) Do you identify as Heterosexual, Homosexual, Bisexual, Transsexual, Transgender, Decline to answer, Other: \_\_\_\_\_
- Are you a gang member / associate? Response \_\_\_\_\_ Visible tattoos or clothing? Describe: \_\_\_\_\_

OTHER INFO (meals, notable events etc) \_\_\_\_\_

## OTHER

- Do you feel safe or have any other safety concerns while here? ..... YES / NO Describe: \_\_\_\_\_
- Is the person's consciousness level impaired (Lethargic)? ..... YES / NO Describe: \_\_\_\_\_
- Does the person have obvious symptoms suggesting the need for emergency medical care? ..... YES / NO
- Does the person appear to be under the influence of alcohol? ..... YES / NO Describe: \_\_\_\_\_
- Are there visible signs of alcohol / drug withdrawal? ..... YES / NO Describe: \_\_\_\_\_
- Does the person's behavior suggest the risk of suicide? ..... YES / NO
- Does the person's behavior suggest a mental disorder? ..... YES / NO Describe: \_\_\_\_\_
- Are you the custodial parent with responsibility for a minor child? ... YES / NO Time of Advisement: \_\_\_\_\_ Time of Calls: \_\_\_\_\_

Watch Commander  
Review / Approval



# HOLDING ROOM DETENTION

Police Service of Salinas  
312 E. Alisal Street  
Salinas, CA 93901  
(831) 758-7090

Date: \_\_\_\_\_

Case Number: \_\_\_\_\_

\_\_\_\_\_  
Last Name, First Name, MI

\_\_\_\_\_  
Age

\_\_\_\_\_  
Officer/Detective

\_\_\_\_\_  
Time Secure Detention Began

\_\_\_\_\_  
Room Number

\_\_\_\_\_  
Time Secure Detention Ended

Charges: \_\_\_\_\_

Property taken: YES / NO (Circle One)

Property Returned: YES / NO (Circle One)

Property at MCSCO Jail: YES / NO (Circle One)

Locker number: \_\_\_\_\_

Property Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## MINORS ONLY -- DETENTION REASONS

(Check One)

- ☐ Further criminal activity against person is likely; self destructive acts are likely.
- ☐ May be at risk of harm if released.
- ☐ Brief time required for investigation; facilitate release to parent/guardian.
- ☐ Arrange for transfer to Juvenile Hall.

If held over three hours were phone calls allowed? .....YES / NO N/A

Locker number: \_\_\_\_\_

Property Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If held over three hours were phone calls allowed? .....YES / NO N/A

Condition of room when detention began

GOOD / DAMAGED  
(Circle one)

Condition of room when detention ended

GOOD / DAMAGED  
(Circle one)

Name of Watch Commander notified / Time

List exact times checks were made no less than every 30 minutes

**MINORS ONLY:**

--- Provided with a cushion? .....	YES / NO	--- Provided with Reading material?.....	YES / NO
--- Has the juvenile eaten within the past 4 hours?...	YES / NO	--- Does the juvenile request a snack?.....	YES / NO
--- Informed of purpose of detention, expected duration of detention and maximum total .....			YES / NO

**MINORS ONLY -- DETENTION REASONS**

(Check One)

- ☐ Further criminal activity against person is likely; self destructive acts are likely.
- ☐ May be at risk of harm if released.
- ☐ Brief time required for investigation; facilitate release to parent/guardian.
- ☐ Arrange for transfer to Juvenile Hall.

Condition of room when detention began

GOOD / DAMAGED

(Circle one)

Condition of room when detention ended

GOOD / DAMAGED

(Circle one)

Name of Watch Commander notified / Time

List exact times checks were made no less than every 30 minutes

**MINORS ONLY:**

--- Provided with a cushion? ..... YES / NO

--- Has the juvenile eaten within the past 4 hours?... YES / NO

--- Informed of purpose of detention, expected duration of detention and maximum total ..... YES / NO

--- Provided with Reading material?..... YES / NO

--- Does the juvenile request a snack?..... YES / NO

**MEDICAL SCREENING AND CLASSIFICATION QUESTIONS / OBSERVATIONS**

1. Are you presently taking medication for diabetes, heart disease, seizures, arthritis, asthma, ulcers, high blood pressure, or psychiatric disorder? ..... YES / NO  
(If yes, circle condition) .....

2. Do you have AIDS or venereal disease? ..... YES / NO

3. Have you recently been hospitalized for a medical or psychiatric illness?..... YES / NO

4. Have you recently fainted or had a head injury?..... YES / NO

5. Do you have epilepsy, diabetes, tuberculosis or hepatitis?..... YES / NO

6. Are you pregnant? ...YES / NO --- Written and Verbal advisements?.. YES / NO

7. Do you have/suspect any contagious disease/other medical concerns?.. YES / NO  
Describe: .....

8. (Circle one) Do you identify as Heterosexual, Homosexual, Bisexual, Transsexual, Transgender, Decline to answer, Other: .....

9. Are you a gang member / associate? Response .....  
Visible tattoos or clothing? Describe: .....

OTHER INFO (meals, notable events etc) .....

**OTHER**10. Do you feel safe or have any other safety concerns while here? ..... YES / NO  
Describe: .....11. Is the person's consciousness level impaired (Lethargic)? ..... YES / NO  
Describe: .....

12. Does the person have obvious symptoms suggesting the need for emergency medical care? ..... YES / NO

13. Does the person appear to be under the influence of alcohol? ..... YES / NO  
Describe: .....14. Are there visible signs of alcohol / drug withdrawal? ..... YES / NO  
Describe: .....

15. Does the person's behavior suggest the risk of suicide? ..... YES / NO

16. Does the person's behavior suggest a mental disorder? ..... YES / NO  
Describe: .....17. Are you the custodial parent with responsibility for a minor child? ... YES / NO  
Time of Advisement: ..... Time of Calls: .....Watch Commander  
Review / Approval



# PRISONER LOGS

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Log times on the holding room detention form when checking on the detainee.

# PRISONER LOGS

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- Safety checks by department members shall occur no less than every 30 minutes and be document under the specific observations section.
- Should be at varying times
- Document meals, phone calls, etc



# ARREST LOGS

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- The juvenile book needs to be completed for all arrests brought into the jail or transported to MOCO Juvenile Hall. Used in-house and for arrests/in-custody tracking.
- Juvenile Confinement Log must also be filled out for all juveniles held in custody at SPD.

## NON SECURE DETENTION OF JUVENILES LOG

Conditions for Non Secure Detention (WIC §207.1(d)2):

Agency: \_\_\_\_\_

Month/Year: \_\_\_\_\_

1. Juveniles described by WIC §602 who are under 14 years of age must be kept in non secure detention.
2. Juveniles who do not present a serious risk of harm to self or others must be held in non secure detention.
3. Juveniles may be held for no more than 6 hours to investigate the case, facilitate release to parent or guardian, or arrange for the transfer to an appropriate facility.

4. Non securely detained juveniles shall not be detained in a jail, lockup, or held in a locked room or area (holding tank or other locked enclosures).
5. Non secure detention allows the handcuffing of a juvenile, but not to a cuffing rail or other stationary object.
6. Juveniles must be kept sight and sound separate from adult prisoners (WIC §208).

**\*\* Release Codes and definitions are listed on back of log. \*\***

**A. Complete this section for each juvenile placed in non secure detention.**

**B. Complete this section when juvenile is released or transferred.**

Juvenile / Officer / Approved By / Location	Sex	Age	Reason Detained Charge(s)	Entered Facility		Released from Facility		Total Time in Facility	Type of Release Code*	Release Information
				Date	Time	Date	Time	Hrs/Mins		
Juvenile's Name:										Released To:
Arresting Officer:										Released By:
Detention Approved By:										
Location of Detention:										
Juvenile's Name:										Released To:
Arresting Officer:										Released By:
Detention Approved By:										
Location of Detention:										
Juvenile's Name:										Released To:
Arresting Officer:										Released By:
Detention Approved By:										
Location of Detention:										
Juvenile's Name:										Released To:
Arresting Officer:										Released By:
Detention Approved By:										
Location of Detention:										

Supervisor Approving: \_\_\_\_\_

Date Approved: \_\_\_\_\_

# JUVENILE/ADULT PRISONERS CONTACT

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- Juveniles must be separated from adults. They must not be able to see each other or communicate.
- Juveniles should not be brought into the facility when there is an adult prisoner out

# JUVENILE OFFENDERS

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- ▶ Juvenile status offenders (W&I 601, RAJ's etc...) and juveniles under 14 years of age **will not** be placed in secure confinement and must be under **constant supervision**.
- ▶ W&I 602 Offenders and Juveniles 14 years + may be held in secure confinement, provided the arresting officer can articulate reasonable cause to believe the confinement is necessary. Examples of such could be (but not limited to):
  - History of threats towards officers/parents
  - Escape attempts
  - Severity of offense
  - Juvenile warrant or probation

# JUVENILES CONT....

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While in our care, juveniles MUST:

- Have access to a toilet and washing facilities
- Be offered a meal if they have not eaten in the last 4 hours.
- Access to drinking water.
- Shall have constant auditory access to department members.
- CANNOT be held over 6 hours for any reason.

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In addition, those held in secure confinement SHALL:

- Be provided blankets and clothing, as necessary, to assure comfort....
- Be permitted to wear his/her personal clothing unless the clothing is inadequate, presents health/safety issues or is being taken as evidence.
- Not be subjected to corporal or unusual punishment, humiliation, or mental abuse.

# SB 203 Bradford Bill Protecting Youth Miranda Rights

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- Governor Gavin Newsom signed the bill in September of 2020 and it was implemented on January 1<sup>st</sup>, 2021
- It prevents youth up to 17 years of age to be questioned without legal counsel. You must allow the juvenile to consult with an attorney in person, by phone or video conferencing



# SEARCHES – TYPES

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- Custody Search
- Strip Search
- Physical Body Cavity Search

# CUSTODY SEARCH

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- Removal of all personal property, contraband and weapons for inventory purposes.
- Should be conducted by member of the same sex except in exigent circumstances.
- Should be conducted in the booking cell prior to removing handcuffs

# STRIP SEARCH

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- Requires removal of clothing for a visual inspection of the underclothing, breast, buttocks and genital areas.
- Written, prior authorization from the Watch Commander.
- Reasonable suspicion based on specific facts.
- The authorization shall include:
  - Name of the person conducting the search
  - The date and time
  - Results of the search

# STRIP SEARCH CONT....

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- ▶ The person conducting the search may not touch the private areas of the person being searched.
- ▶ All person(s) present must be of the same sex
- ▶ The search shall take place near the bathroom area in the booking area or at a licensed medical facility to ensure privacy.

# BODY CAVITY SEARCH

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- May only be conducted by a physician, nurse-practitioner, registered nurse, LVN, or EMT level II.
- With the exception of the listed professionals, others present still must be of the same sex.
- Requires search warrant.

# PERSONNEL/POPULATION ACCOUNTING

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- ▶ Officers should always consider their safety as well as the safety of the facility when handling prisoners out of their cell and unrestrained.
- ▶ Best practice is 1/1
- ▶ It is the officer's responsibility that all prisoners are accounted for and the proper paperwork completed before leaving the facility.
- ▶ The Watch Commander shall be notified if there are prisoners in custody and the officer must clear for any reason.

# INTAKE AND SCREENING

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- Purpose
  - To protect individuals being admitted
  - Address liabilities for the facility
  - Safeguard the general health environment for staff and other in custodies



# NOT TO BE DETAINED AT SPD

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- Any individual who is or has been unconscious
- Physically combative individuals who can't be controlled
- Mentally disturbed subjects trying to hurt themselves
- Any person with a communicable disease
- Persons requiring immediate medical attention
- Any person infected with vermin, lice or other parasites
- Any individual who is obviously developmentally disabled.
- So intoxicated they can't walk or talk
- Suicide Risk-Danger to self or others
- Anyone who requires restraints beyond handcuffs

# MAY BE DETAINED....

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The following may be DETAINED at SPD, but then immediately transported to MOCO Jail:

- Prisoners who are diabetic, epileptic or have seizure or blood sugar disorders
- Persons who claim allergies to common jail materials
- Prisoners in need of medical clearance or treatment prior to being accepted at MOCO Jail
- Prisoners in need of medication which may be required while in custody
- Prisoners who require special care
- Prisoners who gender cannot be readily determined
- Prisoners with prosthetic limbs

# SCREENING

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After completing the booking process, prisoners should be housed in proper cells. Assignment into cells will be in according to the categories of sex, age, criminal sophistication, seriousness of charged crime, behavior, and any other criteria which will provide for the safety of the arrestee, staff and other prisoners.

# INMATE SEGREGATION

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- ▶ Whenever any female prisoner(s) are confined, there shall be an appropriately assigned, available and accessible female employee for the supervision of the female prisoner.
- ▶ Males and females shall be confined separately
- ▶ Felons will be segregated from misdemeanants
- ▶ Juveniles shall not be confined with adults
- ▶ Complete segregation shall be provided for those prisoners who may harm other prisoners or staff, may be harmed by other prisoners or are prone to escape
- ▶ Prisoners who fit the criteria for 5150 shall be segregated and plans to transfer them to an appropriate facility shall be made immediately

# PHONE CALLS

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- Access to telephone

PC 851.5 (a) (1) Immediately upon being booked (placed in a holding cell) and, except where physically impossible, no later than three hours after arrest, an arrested person has the right to make at least three completed telephone calls, as described in subdivision (b). (2) The arrested person shall be entitled to make at least three calls at no expense if the calls are completed to telephone numbers within the local calling area or at his or her own expense if outside the local calling area.

Also... Two more if they are a custodial parent making arrangements for the care of children

In custody no later than 3 hours has right to at least 3 calls and 2 more if they need to address care for a child.

# PHONE CALLS

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► W&I 627(b)

(a) When an officer takes a **minor** before a probation officer at a juvenile hall or to any other place of confinement pursuant to this article, he shall take immediate steps to notify the minor's parent, guardian, or a responsible relative that such minor is in custody and the place where he is being held. (b) Immediately after being taken to a place of confinement pursuant to this article and, except where physically impossible, no later than one hour after he has been taken into custody, the minor shall be advised and has the right to make at least two telephone calls from the place where he is being held, one call completed to his parent or guardian, a responsible relative, or his employer, and another call completed to an attorney. The calls shall be at public expense, if the calls are completed to telephone numbers within the local calling area, and in the presence of a public officer or employee. Any public officer or employee who willfully deprives a minor taken into custody of his right to make such telephone calls is guilty of a misdemeanor. **No later than 1 hour can make two calls. One call to parent/guardian/relative/or employer, and a second call to attorney.**

# EMERGENCY PROCEDURE/PLANNING

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## ► **Illness, Injury or Death**

1. In the event a prisoner develops symptoms of an illness while in the facility, immediate steps will be taken to transfer the prisoner to the hospital for examination
2. In the event of an injury occurring in the jail, appropriate first aid will be rendered, and if necessary the injured prisoner will be transported to the hospital. The prisoner will remain in custody and accompanied by an officer at all times
3. Any death of a prisoner in police custody will result in the SPD/Monterey County “Officer Involved Fatal Incident” protocol to be initiated.



# OFFICER SAFETY

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- Officer safety is paramount. Keep prisoners handcuffed until they are thoroughly searched, preferably in the booking cell
- Do not assume that someone else has searched the prisoner already
- Do not turn your back on prisoners during the booking process
- Keep counters clear potential weapons

# POLICY AND PROCEDURE MANUAL

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- Everyone has access to Lexipol
- Most of the information in this training came directly from the manual.
- Should be reviewed regularly or referred to if any questions arise.

# SUICIDE PREVENTION

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- It is the employee's responsibility to be aware of potential suicide risks and to ensure proper crisis intervention if there are warning signs or statements indicative of the possibility of a suicide.
- Notify the on-duty supervisor immediately if any prisoner makes comments relating to suicide or exhibits self-destructive behavior.

# POSSIBLE WARNING SIGNS.....

- Prisoners in their early 20's (age alone should never be the sole criteria)
- Indications of mental illness, currently suffers from depression
- History of suicide attempts or jokes about “ending it all” or statements of finality, visible scars from prior attempts
- History of belligerent or combative behavior upon admission
- Intoxication
- Displays of depression
- Unusual calm
- Recent death of loved ones or divorce
- History of suicide in family
- Crying, expressing hopelessness, radical mood swings
- FEMALES – recently given birth, miscarriage

# NATIONAL JAIL SUICIDE RESEARCH

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## 344 out of 419 Suicides Analyzed – Highlights

- 72% of victims were white, 92% male
- Average age 30
- 52% were single
- 75% detained on non-violent crimes
- 46% held on alcohol or drug related crimes
- 60% were under the influence
- 82% were intoxicated

# CONTINUED

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- 30% occurred midnight to 0600 hours
- 94% were hanging, 48% of those used bedding
- 51% occurred during the first 24 hours
- 29% died during the first 3 hours
- 89% of the victims were not screened for potentially suicidal behavior at booking

Doesn't hurt to ask... Are you thinking of killing or hurting yourself?

# WHAT IS THE NEW IN JAILS NOW

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- Prison Rape Elimination Act P.R.E.A.
- Federally Law signed 9/4/2003
- State required 1/1/2019
- ZERO TOLERANCE POLICY



# CCR POLICY 1029

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- Requires Zero tolerance in the prevention of sexual assault
- No child or adult can consent to engage in sexual acts while detained or in custody
- An annual review and evaluation of internal and external security measures including security measures specific to prevention of sexual assault/sexual harassment will occur
- The detection, prevention and response to retaliation against those reporting abuse.

# WHAT IS GOING TO CHANGE?

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- Effective 1/1/2019, custodial agencies from TH Facilities to Type 4 Facilities shall collect data for every allegation of sexual abuse.
- An investigation will be initiated by PREA coordinators in APD and will be followed up by DOJ
- At minimum, data collected shall include necessary data to answer all questions from the survey of Sexual Violence conducted by the Department of Justice.

# WHAT IS GOING TO CHANGE...

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- PREA screening forms for each inmate before entry into jail
- Signs posted in common areas to educate inmate on how to report abuse
- Access to phone, mail to contact family and friends about abuse
- PREA screening forms for each inmate before they leave the jail
- Agencies will need PREA coordinators, manager
- LGBTQ community

# ZERO TOLERANCE

## FOR SEXUAL ABUSE AND SEXUAL HARASSMENT

### RIGHT TO REPORT

If you, or someone you know, are experiencing sexual abuse or sexual harassment, Police Service of Salinas wants to know. We want you to report right away! Why?

- We want to keep YOU safe; it is our job! It is your right to be free from sexual abuse and sexual harassment.
- We want to conduct an investigation of the reported incident.
- We want to hold the perpetrator accountable for his/her actions.
- We want to provide YOU with relevant information and support services.

### HOW TO REPORT

Police Service of Salinas offers multiple ways to report sexual abuse and sexual harassment. Reports can be made anonymously.

- Call the Monterey County Rape Crisis Center at (831) 375-HELP (4357).
- Report to any staff, volunteer, contractor, or medical or mental health staff.
- Submit a grievance or a sick call slip.
- Report to the PREA coordinator or PREA compliance manager.
- Tell a family member, friend, legal counsel, or anyone else outside the facility. They can report on your behalf by calling the Watch Commander at (831) 758-7250.
- You also can submit a report on someone's behalf, or someone at the facility can report for you using the ways listed here.

### VICTIM SUPPORT SERVICES

Police Service of Salinas has partnered with the Monterey County Rape Crisis Center to provide survivors of sexual abuse with emotional support services. To access these services, contact (831) 375-HELP (4357) or send a letter to: P.O. Box 2401, Salinas CA 93902.

*\*Refer to the Police Services of Salinas PREA Brochure for more information on anonymous reporting and limits to confidentiality for emotional support services.*





Front

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Back

## **PREA First Responder RESPONSIBILITIES** in Juvenile Facilities

### **PREVENTION DETECTION RESPONSE**

***ZERO TOLERANCE***  
***for any type of sexual abuse or***  
***sexual harassment between residents***  
***and/or between staff and residents.***

#### **Steps to take when there is an allegation of sexual abuse or sexual harassment:**

1. Notify rank.
2. Separate victim and perpetrator – ensure their safety and security.
3. Secure the crime scene and seal access.
4. Get a brief statement of the incident.

(over)

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## **PREA First Responder RESPONSIBILITIES** in Juvenile Facilities

#### **Steps continued:**

5. Ensure that evidence is not destroyed... don't allow the perpetrator(s) to clean up, brush teeth, change clothes, urinate, defecate, drink, or eat. Also request the victim refrain from same in order to preserve evidence.
6. Escort victim and perpetrator, separately, to medical.
7. Complete incident report.
8. Ensure victim and perpetrator are not housed near each other upon their return.
9. Maintain victim's confidentiality.
10. Supervisory first responders to coordinate with facility administrator, PREA compliance manager or PREA coordinator, investigator, and victim services for assistance.

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Front

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Back

## **PREA First Responder RESPONSIBILITIES in Adult Facilities**

### **PREVENTION DETECTION RESPONSE**

***ZERO TOLERANCE  
for any type of sexual abuse or  
sexual harassment between inmates  
and/or between staff and inmates.***

#### **Steps to take when there is an allegation of sexual abuse or sexual harassment:**

1. Notify rank.
2. Separate victim and perpetrator – ensure their safety and security.
3. Secure the crime scene and seal access.
4. Get a brief statement of the incident.

*(over)*

## **PREA First Responder RESPONSIBILITIES in Adult Facilities**

### **Steps continued:**

5. Ensure that evidence is not destroyed... don't allow the perpetrator(s) to clean up, brush teeth, change clothes, urinate, defecate, drink, or eat. Also request the victim refrain from same in order to preserve evidence.
6. Escort victim and perpetrator, separately, to medical.
7. Complete incident report.
8. Ensure victim and perpetrator are not housed near each other upon their return.
9. Maintain victim's confidentiality.
10. Supervisory first responders to coordinate with facility administrator, PREA compliance manager or PREA coordinator, investigator, and victim services for assistance.

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- **Video of Deputy fired for having sex with inmate**
  - <https://youtu.be/S4yslqyTAVg>



# IF YOU WOULD LIKE TO KEEP THE THINGS YOU HAVE, LET'S RECAP!

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- PREA-ZERO TOLERANCE of sexual abuse or harassment in the jail
- DO NOT violate an inmates rights
- Follow Department Jail policy; our policy is in line with State and Federal Law. This can be found in LEXIPOL and is also printed out in jail

Any Questions?

# Cell Extraction Gone Bad

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- [RAW: Richland County Jail video shows critical moments before Alexander Rios's death - YouTube](#)