



DEPARTMENTAL REGULATIONS  
CONCORD POLICE DEPARTMENT

PROCEDURE 3  
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**ARREST AND BOOKING PROCEDURES**

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**A. POLICY STATEMENT**

Persons who are arrested may experience fear or duress, or project hostility toward the arresting officer(s), thus becoming unpredictable and dangerous. It is for these reasons that standards need to be established to reduce the likelihood of harm to department personnel, prisoners and other involved parties.

**B. GENERAL**

1. The purpose of this Departmental Procedure is to establish uniform methods of transporting, booking and handling of persons detained and/or arrested by Concord Police Department personnel.
2. All jail operations and procedures shall be in accordance with Title 15 of the California Code of Regulations.

**C. DEFINITIONS**

1. Arrestee - any person in custody who is, without legal restriction, immediately subject to booking and placement in the general jail population.
2. Detainee - any person in custody who is, by legal restriction (40304.5 V.C. and 4030f and g P.C), exempt from immediate placement in the general jail population.

**D. TRANSPORTATION**

1. At the beginning of each shift, officers shall search their assigned patrol vehicle for the presence of unauthorized weapons or contraband.
  - .1 Officers shall search the interior of their assigned patrol vehicle prior to and immediately following the transportation of any prisoner.
    - .01 Patrol cars used for transporting prisoners are fitted with a safety barrier that separates the prisoner from the transporting officer(s). The rear area of patrol cars are used for transporting prisoners and is modified (i.e. cage, removal of window cranks and door handles) to minimize opportunities for prisoner exit without the aid of the transporting officer(s).
      - .001 Patrol Car with Cage
        - .0001 In addition to driver, any additional officer shall be seated in the front seat; any prisoners shall be seated in rear seat. No more than two prisoners shall occupy the rear seat and all prisoners shall be secured by seatbelt.

- .002 Patrol K-9 Car
  - .0001 No more than one prisoner shall be seat-belted and seated in the front passenger seat. No prisoner shall be transported in the rear area normally reserved for the canine.
- .003 Patrol or Unmarked Police Vehicle without Cage
  - .0001 If officer-driver is the solo on-duty police personnel: No more than one prisoner shall be seat-belted and seated in the front passenger seat.
  - .0002 If there are two officers conducting the transport: The passenger officer shall be seated behind the officer-driver; the lone prisoner shall be seat-belted in the right rear passenger seat.
  - .00001 No more than one prisoner may be transported in this fashion.
- .02 The prisoner transport van has a “cage” system that separates the prisoners from the officer(s). The system also allows officers to separate males from females, or to isolate a potentially violent prisoner.
  - .001 In addition to the driver, any additional officer shall be seated in the front seat. No officers shall ride in the caged portion of the van.
  - .002 Any prisoner shall be placed in the caged portion of the van, regardless of the number of prisoners to be transported.
- 2. Except as provided below, all arrested persons shall be handcuffed (using the double lock) with their hands placed behind their back.
  - .1 Prisoners who are combative, or if there is a reason to believe that the prisoner will be violent or a danger to himself or herself or the public may be transported in the WRAP. It should not be assumed that restraining devices are unnecessary for disabled, sick, or injured prisoners, however, discretion must be exercised as restraining devices also may be harmful to disabled, sick, or injured prisoners.
    - .01 When transporting prisoners who are physically disabled, sick, injured, or in an obvious state of pregnancy, restraining devices (such as the WRAP) may be used, as appropriate, for the severity of the prisoner’s effected condition, but adequate to preserve the safety of both the transporting officer(s) and the prisoner.
      - .001 The WRAP shall be applied only by personnel trained in its use.
      - .002 Prisoners restrained in the WRAP shall be transported in patrol vehicles equipped with rear seat belt devices. The prisoner shall be secured in an upright position with the seat belt device. Under no circumstances shall a restrained prisoner be transported lying on his/her stomach as this could possibly contribute to some kind of serious physical injury or death (i.e. positional asphyxia). The prisoner shall be supervised at all times and officers shall not lose sight of the prisoner.
        - .0001 Prisoners restrained in the wrap shall not be transported in a transport van unless equipped with seat belts.
    - .2 When multiple prisoners are transported together, such as from one detention facility to another, they may be handcuffed in front, with their arms intertwined.

- .01 Male and female prisoners shall not be handcuffed together in this manner.
- .3 Prisoners who pose an escape risk or officer safety threat may be transported while wearing department authorized leg restraints.
  - .01 Leg restraint devices should only be used while the prisoner is in transit from one location to another, or during times when the possibility of escape or safety risk to others exists.
- 3. All prisoners are to be searched for weapons before being transported for any reason.

Types/Definitions of Searches:

- .1 Normal Pat Down search - This is a standard search used by officers in the field for purposes of checking an individual for weapons. It involves a thorough patting down of the outer clothing for the purpose of locating a weapon or dangerous item that could pose a hazard to the officer.
  - .01 Any officer, regardless of sex, may pat search any suspect, regardless of sex, for weapons.
- .2 Booking Search - This search occurs within the detention facility and, by definition, includes a full search of the person (not including body cavities) and examination of anything on him/her, such as clothing, items in pockets, and closed containers, in order to remove all personal property, contraband, and/or weapons. The individual's shoes, belt, jewelry, glasses, hairpins, and all other personal property are taken and inventoried. It is mandatory to check the individual's hair if it is long and/or capable of concealing any items.
  - .01 Any officer, regardless of sex, may search any suspect, regardless of sex, for weapons, and/or contraband. This is also applicable with reference to the removal of personal property when the search occurs within the detention facility (booking search).
- .3 Strip-search, visible body cavity search, or physical body cavity search-
  - .01 In strip searches, the prisoner is required to remove or rearrange some or all of his or her clothing so as to permit a visual inspection of the underclothing, breasts, buttocks, and genitalia of such prisoner (4030C of the Penal Code).
  - .02 A Visible body cavity search accompanies a strip search which is a visual inspection of the rectal area/cavity or vaginal area/cavity.
  - .03 Physical body cavity searches include physical intrusion into the stomach, rectal cavity or vagina.
    - .001 Body searches of transgendered prisoners - sex is determined by the genitalia of the subject.
  - .04 Requirements for all strip searches:
    - .001 Privacy - There shall be no areas from which persons not involved in the strip search can observe the search.
    - .002 Same Sex - All department personnel involved in conducting a strip search must be of the same sex as the person being strip searched.
    - .003 No Touching - Department personnel shall not touch the breasts, buttocks, or genitalia of the person being strip searched.

.0001 If a person refuses to comply with a request for a visual body cavity search, the above “no touching” rule still applies. To require cooperation, the officer must request a search warrant.

.05 Prevention of unjustified strip searches:

.001 Persons arrested for misdemeanor(s) or infraction(s) which do not involve weapons, violence, or drugs shall not be subjected to a strip-search or a visual body cavity search prior to placement in the general jail population, unless:

.0001 An officer has reasonable, specific, and articulable suspicion that the arrestee is concealing weapons or contraband; and

.0002 The on-duty sworn supervisor or Watch Commander gives prior written permission to do so. Written permission shall be prepared in a supplemental report and shall minimally contain: 1.) Case number and date; 2.) The time, date, and place of search; 3.) The name and sex of the arrestee to be searched; 4.) The specific facts and circumstances which led to the reasonable suspicion for the search, as determined by the supervisor; 6.) The supplemental report giving written permission shall accompany the original report and be included in the Records Bureau case jacket;

.0003 No physical body cavity search shall be conducted without obtaining a search warrant. After a search warrant has been obtained, a body cavity search shall be performed by a medical doctor or registered nurse. The original copy of the search warrant shall be filed in the Records Bureau case jacket.

.06 Documentation

.001 Strip, visual, or body cavity searches shall be fully documented in a report by the arresting officer and shall include:

.0001 The time, date, and place of the search;

.0002 The name and sex of the person conducting the search;

.0003 The name and sex of other persons attendant to the search; and

.0004 A statement of the results of the search, including a list of any items removed from the person being searched.

.0005 The booking officer will be informed of any search that occurs and the results of the search so that an entry can be made in the jail log to also include the name of the subject being searched, the case number, and the name of the authorizing supervisor.

4. When transporting a prisoner of the opposite sex, a time and mileage check shall always be given at the beginning and conclusion of the transportation detail, giving starting and ending mileage. Dispatchers shall log the information in the transporting officer’s call/unit history.
5. Whenever possible, prisoners should be transported in the rear of vehicles equipped with a screen that separates the prisoner from the transporting officer(s).

- .1 If a prisoner is transported in a vehicle not equipped with a screen that separates the front and rear areas of the unit, the prisoner shall be handcuffed with their hands placed behind their back and restrained with the vehicle's seat belt device.
  - .01 The prisoner shall be placed in a position that allows the transporting officer to watch their movement at all times.
  - .02 All weapons shall be inaccessible to the prisoner.
  - .03 Although long distance transports seldom occur by this agency (generally handled by County jurisdictions) when they do, care should be taken when stopping for fuel and meals or for allowing the prisoners reasonable opportunities to use toilet facilities. Every effort should be used to use the police van or a caged vehicle for transportation. Additionally, traveled locations should be alternated and/or randomly selected. Normally, no stops will be made while transporting from the point of arrest to the booking/processing location.
6. The transporting officer(s) shall not lose sight of prisoners until such time they are secured in a holding facility or turned over to other law enforcement personnel. Safety aspects of the transport function require that the prisoner's right to communicate with attorneys and others will not be exercised during the period that the prisoner is being transported. Essentially, communications and contact between prisoners and non-law enforcement personnel shall be prohibited, unless there are mitigating circumstances that require such communications during transport.
  - .1 Mitigating circumstances include, but are not limited to:
    - .01 An emergency message to be delivered from the prisoner to another party.
    - .02 Minimal instructions from an attorney who is at the scene to the prisoner.
    - .03 Other forms of communication that, in the opinion of the arresting and/or transporting officer cannot wait until the prisoner is at the intended detention facility.
  - .2 Such communications shall take place prior to the beginning of the transport, and not during.
  - .3 Nothing in this policy prohibits, or otherwise affects the communication between law enforcement personnel and the prisoner during transport.
7. When an officer is transporting a prisoner, he/she should avoid making unnecessary stops, or otherwise interrupt the transport. Exceptions to this may include:
  - .1 Stopping to assist another officer in an emergency, when other officers are not readily available to lend assistance.
    - .01 The officer shall take reasonable precautions to ensure that the prisoner is not placed in a situation likely to result in harm to him/her.
  - .2 Stopping at the scene of an accident, which the officer comes across, for the purpose of determining if there are injured parties and to summon the appropriate assistance.
    - .01 The officer should resume the transport as soon as practical, or make other arrangements to have the prisoner transported to the intended destination.
  - .3 Stopping to render emergency assistance to the prisoner should he/she become ill, or otherwise need immediate medical attention.

- .01 The officer should initiate the appropriate emergency attention and summon medical assistance.
- .4 Officers shall not engage in the following activities while transporting a prisoner:
  - .01 Initiate traffic stops.
  - .02 Initiate, or otherwise participate in a vehicle pursuit.
  - .03 Respond to details, except as prescribed in this policy.
- .5 Long distance prisoner transportation:
  - .01 Out of state as well as out of county transportation of prisoners is facilitated through a transportation service contracted with by the police department.
  - .02 Concord Police Department personnel will occasionally be required to pickup prisoners who are held in other jurisdictions, on Concord Police Department warrants. All such requests shall be directed to the on-duty shift supervisor. The supervisor shall:
    - .001 Assess the request and determine if the distance of the pickup and current staffing levels are reasonable and can accommodate the request.
      - .0001 If patrol officers cannot accommodate the request, the on-duty supervisor should seek assistance from the Investigations and Administrative Services Division of the Concord Police Department, or the Transportation Unit of the CCCSO.
    - .002 Determine the number of officers needed to accomplish the transport by assessing such things as:
      - .0001 The risk that the prisoner poses, such as the nature of the charge(s), history of assaults on officers, history of escape attempts.
      - .0002 The distance to be traveled.
      - .0003 The potential for necessary stops during the transport.
    - .003 Ensure that the transporting officer(s) has the appropriate equipment to communicate with Concord Police Dispatch or allied agencies in the event of an emergency during the transport.
  - .03 The transporting officer(s) should:
    - .001 Contact the facility holding the prisoner to inform them that officers are enroute to pickup the prisoner.
    - .002 If the prisoner poses a risk as described above, ask that the prisoner not be made aware of the intended pickup until the last possible moment.
    - .003 Ensure that all of the documents needed to facilitate the transfer of the prisoner are in the transporting officer(s)' possession.
    - .004 Once the transport of the prisoner begins, avoid all unnecessary stops.

- .0001 If stops for such things as meals, fuel, or to attend to personal needs become necessary, take precautions to ensure the security of the prisoner and the safety of the officer(s).
  - .005 If an emergency occurs during the transport, communicate this to the appropriate allied agency or Concord Police Dispatch, whichever agency can summon the necessary assistance in the most expeditious manner.
    - .0001 Take the appropriate precautions to ensure the safety and security of the officer(s) and the prisoner.
    - .0002 If it is a medical emergency, initiate the appropriate first aid, until relieved by emergency medical personnel.
  - .006 Process the prisoner through the Concord Police Department temporary holding facility.
8. Should a prisoner escape during transport, the transporting officer should do the following:
- .1 Immediately notify dispatch.
  - .2 Notify the shift supervisor.
  - .3 Coordinate a search for the escapee.
  - .4 Initiate a be-on-the-lookout through dispatch.
  - .5 Document the escape in a police report.
  - .6 Take other appropriate action as dictated by the circumstances.
9. Transportation of sick, injured or disabled prisoners.
- .1 Prisoners who are in need of emergency medical treatment shall be transported, via ambulance, to a medical facility.
    - .01 An officer, as designated by the shift supervisor, shall follow the ambulance to the medical facility.
      - .001 If the prisoner is to be treated and released, and is still in custody, the officer shall transport him/her to MDF.
      - .002 If the prisoner is admitted to the hospital, the officer shall confer with the on-duty shift supervisor regarding the need to keep the prisoner in custody and to arrange for security.
    - .02 Prisoners transported in an ambulance shall be restrained as directed by the ambulance crew.
      - .001 The officer should advise the ambulance crew of any risk factors that the prisoner might pose to assist the crew in making the appropriate decision regarding the type of restraint to be employed.
  - .2 Prisoners who are sick or injured, but not in need of emergency medical attention, may first be processed through the Concord PD temporary holding facility, in accordance with General Order

No. 47. If it appears that because of a prisoner's physical disability, physical injury, or obvious state of pregnancy, the prisoner cannot be handcuffed behind his/her back without causing pain or injury or aggravation of the disability, officers must attempt to accommodate the prisoner's disability, injury, or pregnancy by (a) handcuffing the prisoner with his or her hands in front of his or her body, or (b) handcuffing the prisoner behind the back, but with two sets of handcuffs linked together so as to lengthen space between the handcuffs.

.01 Processing shall occur as soon as possible upon arrival at the facility. The prisoner is then to be transported to a medical facility for treatment, as enumerated in Section E.11 of this Procedure.

.001 When a prisoner is taken to a medical facility for treatment, the transporting officer shall wait with the prisoner until the prisoner is treated and released, or until such time the officer is relieved by other law enforcement personnel.

.0001 If a prisoner is admitted to the hospital, the officer shall notify the on-duty Watch Commander/Shift Supervisor. The Watch Commander/ Shift Supervisor will determine if the prisoner can be released from custody (849b PC), or if the prisoner is to be guarded until he/she can be released from the hospital or other custodial arrangements can be made.

.002 Once the prisoner is treated and released, he/she shall be transported to MDF for housing.

.003 American Medical Response (AMR) personnel are not authorized to medically clear injured prisoners for holding. Prisoners must be examined at a medical facility and must receive medical clearance before transport to MDF.

.3 Disabled prisoners who cannot be safely transported in a police vehicle can be transported by making arrangements with the Contra Costa County Transit Authority. Under a contractual agreement, they will provide a vehicle and a driver for the purposes of transporting disabled prisoners. Arrangements can be made by calling:

.01 CCCTA dispatch at 943-1829, 5:00 a.m. to 10:00 p.m.

.02 The on-call driver at 448-9531 or 448-0927, 10:00 p.m. to 5:00 a.m.

.4 If a disabled person is processed at CPD, he/she shall immediately be transported to MDF.

.5 Restraint devices used for a disabled prisoner shall be limited to those that are appropriate for the situation and can be applied without injury to the prisoner.

.01 Only department approved restraint devices shall be used.

10. Upon reaching the intended holding facility with a prisoner, the transporting officer shall:

.1 Secure his/her weapon(s) prior to entering the detention portion of the facility.

.2 Remove restraining devices from prisoners when it is appropriate and safe to do so.

.3 Deliver all appropriate documentation to the receiving officer.

.01 Transport documents that are retained by the Concord Police Department will be forwarded to the Records Bureau and will be stored in the original case jacket.

- .4 Advise the receiving officer of all known illnesses and injuries to the prisoner, as well as treatment received.
- .5 Advise the receiving officer about officer safety concerns regarding the prisoner.
- .6 Advise the receiving officer if a carotid control hold was applied to the prisoner, including date(s) and time(s) of application(s), and medical treatment received by the prisoner.
  - .01 This information shall also be noted on the transport forms, including the identity of the person to whom the information was passed.

11. When transporting a prisoner from one detention facility to another, the transporting officer shall:

- .1 Verify the identity of prisoner by means of accompanying identification and/or booking forms. In the absence of satisfactory identification, additional methods may be used in the positive identification of prisoners to be transported. These may include, but are not limited to, the following: confirmation by fingerprint comparisons (CAL ID), prior booking photos, CMS/RMS inquiry matches such as tattoos, and positive identification of the prisoner by other person(s).
- .2 Verify that all required booking forms have been properly completed and accompany the prisoner to the next facility.
  - .01 The required transport forms include:
    - .001 Contra Costa Booking Authority.
    - .002 Contra Costa County Detention Facilities Probable Cause Declaration form located in the ARIES system. The form needs to be completed and submitted to a judge before the county jail will accept the prisoner.
    - .003 Contra Costa County Detention Facilities bail form (DET 087:FRM)
    - .004 Contra Costa County Property/Clothing Receipt
    - .005 Concord Police Pre-booking Medical Clearance Form (CP-286)
  - .02 Forms that are not properly filled out should be corrected by the arresting officer, if still available. Otherwise, the transporting officer shall make the required corrections.
- .3 Make sure the prisoner is searched for weapons and contraband prior to transport and delivery to another detention facility.
- .4 Advise receiving personnel of any known mental or physical illnesses from which the prisoner may suffer, any known injuries and subsequent medical treatment, and any known potential for violence or escape or suicide potential..
  - .01 Such information and notification shall be noted on the transport paperwork.

12. Transporting Prisoners in Special Situations

- .1 The Concord Police Department shall not transport prisoners to events such as attending funerals, visiting hospitals and critically ill persons, or attending a reading of a will. Prisoners who are to be lodged at MDF shall have such transportation needs assessed by the Contra Costa County Sheriffs Office.

## **E. PROCESSING**

1. Adult prisoners shall be processed through the CPD temporary holding facility in accordance with General Order No. 47, Jail Manual, except as provided by 40304.5 V.C. (Section F).
  - .1 Processing of a prisoner includes, but is not limited to:
    - .01 Fingerprinting.
    - .02 Photographing.
    - .03 Access to a telephone as prescribed by law and departmental policy.
    - .04 Providing for medical assistance, if applicable.
2. All juveniles who are taken into custody for violation of a felony offense shall be processed through the CPD temporary holding facility, in accordance with General Order No. 47.
  - .1 All juveniles who are taken into custody for narcotic offenses other than possession of not more than one ounce (28.5 grams) of marijuana shall be processed through the CPD temporary holding facility.
3. Juveniles taken into custody for violation of a misdemeanor offense shall be handled as outlined in General Order #34
4. Transgendered prisoners may be processed through the CPD temporary holding facility, in accordance with General Order No. 47.
  - .1 Transgendered (defined): An umbrella term describing anyone who exhibits characteristics of gender that does not match their apparent or actual physical sex. The term can include people who are:
    - .01 Transexual - A medical term applied to those transgendered people who feel such incongruity between their body and their gender that they seek medical assistance in transforming their body to address their incongruity.
    - .02 Crossdresser (transvestite) - A person who is compelled to or enjoys wearing clothing of the opposite sex on an occasional basis.
    - .03 Transgenderist - A person who lives full-time in the gender of his or her choice (different from body type without desiring gender changing surgery).
  - .2 Once the transgendered prisoner is processed, he or she shall be transported to County Jail as soon as possible.
5. After CPD temporary holding facility personnel have started to process the prisoner, other employees should avoid engaging the prisoner in conversation or in any manner distracting him, so as not to interfere with the processing.
6. In the absence of CPD temporary holding facility Community Service Officer assistance, the arresting officer shall process his/her own prisoner.
7. Out-of-Town Prisoners

- .1 When an officer from another agency, other than one with which the Concord Police Department has a pre-existing agreement for use of its temporary holding facility, has in custody a prisoner whom he wishes detained, he/she shall be directed to the Watch Commander, or in their absence, the on-duty Field Supervisor.
  - .01 The Watch Commander, field supervisor or detention facility manager shall require the requesting officer to do the following:
    - .001 Present identification from employing agency.
    - .002 Present verification of authority to arrest and detain the prisoner in a temporary holding facility.
    - .003 Stand by until the prisoner is placed in a holding cell.
  - .02 A Temporary Holding Facility Community Service Officer shall book the prisoner and record the booking in the jail log noting the agency.
  - .03 An original case number shall be drawn and an "outside aided" report shall be written documenting the housing of the prisoner.
8. Responsibility for the care and custody of the prisoner following the processing, including the right of the prisoner to make telephone calls, arrange bail, shall be the responsibility of the CPD temporary holding facility personnel, or in their absence, the on-duty Field Supervisor.
9. Warrant Arrest (over-the-counter)
  - .1 When a warrant is served over-the-counter and the offender is processed, an officer from the Field Operations Division shall be assigned.
10. Officers should avoid interrogating any prisoner while in the booking area.
  - .1 If any officer wishes to interrogate a felony prisoner, it should be done in the interrogation rooms which are provided for this purpose.
  - .2 The interrogation officer shall remove the handcuffs only after he/she has secured his/her service weapon in a gun locker, or his/her vehicle trunk.
11. Arrests Made By Off-Duty Officers
  - .1 In an arrest by an off-duty officer, the appropriate beat officer shall be called to handle the case and process the prisoner.
  - .2 The off-duty arresting officer shall complete a supplemental report covering the facts leading to the arrest, and the beat officer shall complete an original report covering all of the other necessary facts and observations.
    - .01 Any other report forms required, except those report(s) enumerated in Section E.10.2.02 of this procedure, and/or chemical or physical tests required by the case will be accomplished as if the beat officer had made the arrest.
    - .02 The off-duty arresting officer shall complete all department required use of force forms, when applicable.
12. Sick or Injured Prisoners

- .1 All prisoners who appear injured or ill and in need of medical care or who request medical treatment shall be removed to the County Hospital. (See Jail Manual text.)
  - .2 The date and time the prisoner was treated at the hospital for injuries shall be reported in the offense report.
  - .3 In any case where a prisoner appears injured or ill, or in any case where a prisoner complains of injury or illness, a report shall be written.
    - .01 The reporting officer or matron shall determine the extent of injury or illness.
    - .02 Photos of the injury or area of the alleged injury should normally be taken and included in the case report.
      - .001 Photos of injuries to breasts, buttocks and genitalia may not be taken unless permitted by the injured party, and taken by same sex officer or CSI/CST.
13. Arrest of School Employees for Narcotic and Sex Offenses (291, 291.1 PC and 11591 H&S)
- .1 When any public school employee or private school teacher is arrested for a violation of any of the offenses enumerated in Section 290 PC and 11590 H&S, it shall be the responsibility of the arresting officer to ensure that the required telephone notification is made to the proper school authority.
    - .01 The offense report should be annotated to indicate to whom the call was made and the time of the call as well as who made the call, if not the arresting officer.
  - .2 It shall be the responsibility of the Support Services Division to make the written notification. A letter giving the name of the suspect's school, school district, and other pertinent information relative to the offense shall be forwarded to the proper authorities. The notification action shall be indicated in a supplementary report.
14. Booking of BART Prisoners
- Prisoners who are booked and housed for BART PD shall be handled as enumerated in the joint agency agreement dated June 8, 1996.
15. Booking of Clayton Prisoners
- Prisoners who are booked and housed for Clayton PD shall be handled as enumerated in the joint agency agreement accepted by the Concord City Council on September 28, 1999.

**F. BOOKING PROCEDURES EXCEPT AS PROVIDED BY 40304.5 V.C.**

1. All persons in custody are to be escorted to the booking area where they shall be searched by the booking officer.
  - .1 Any person taken into custody may be subjected to pat down searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband substances prior to a pre-booking placement by the arresting officer. If the arresting officer is not immediately available then it will be the responsibility of the transporting officer.

- .01 If a matron or female officer is needed to perform a strip or a visual body cavity search, the arresting officer, if male, shall stay outside the private search area to protect and assist the matron if needed, and to otherwise ensure the privacy of the search.
      - .2 Prior to placing an arrestee in a jail or holding cell the arresting officer shall take his/her personal property and give an itemized receipt to the prisoner, listing all of his/her personal property. If the arresting officer is not immediately available then it will be the responsibility of the transporting officer.
        - .01 DO NOT list evidence as personal property.
        - .02 Do not list clothing worn by the prisoner on the property receipt.
        - .03 The prisoner's property that will accompany him/her to MDF shall be placed in a clear plastic bag and heat sealed. All bills will be placed in a clear plastic money bag, separate from coins and heat sealed. Coins are stored inside the main property bag and counted separate from the bills. The property receipt shall have the arrestee's name, the case report number, total monetary amount, and employee initials verifying the monetary amount written on the outside.
2. Obtain a fingerprint number for the prisoner (juvenile and adult) from CMS and enter that number on the arrest report, the appropriate jail register, and the identification card used in the photograph.
  - .1 Any new fingerprint number shall be issued by the on-duty jailer.
  - .2 The assigned fingerprint number shall become the arrestee's identification number and shall be used for all future bookings.
3. Photograph the prisoner, making sure that the Concord fingerprint number and date appear on the identification card. Photographs should be taken in all arrests and the digital photograph system should be utilized.
  - .1 Booking photographs of prisoners who have been injured and are still bloody have no value as mug shots for later line-up purposes. If possible, prisoners in such condition should be allowed to clean up before booking photographs are taken.
4. Fingerprinting Prisoners
  - .1 When fingerprinting prisoners, use the Live Scan printing machine. The machine automatically transmits the scanned prints to Cal-ID, CII, and FBI (when applicable).
    - .01 Adult Prisoners should be printed as follows:
      - .001 Fingerprints and palm prints will be taken of each hand using the Live Scan device
    - .02 Juvenile Prisoners should be printed as follows:
      - .001 Fingerprints and palm prints will be taken of each hand using the Live Scan device
5. Place the prisoner in the detention area.
  - .1 Sworn personnel and Community Service Officers should not process or move female prisoners from room to room as an individual action. Two sworn officers and/or Community Service Officers should be present at all times when working with female prisoners.

- .2 A transgendered prisoner, upon arrival at our facility, shall be provided solitary accommodations for his/her own safety.
6. Complete the prisoner's card, placing the card in the holder in the secure pod.
7. Have the Dispatch Center personnel make an inquiry into the available Warrant systems for any outstanding warrants on all subjects arrested by this agency.
8. Rap Sheets
  - .1 The arresting officer is responsible for checking and/or obtaining CII records as they relate to the investigation and including this information on the arrest and detention report
  - .2 The jailer will use CII records (Rap sheets) to determine the need to collect DNA buccal swabs and can request this information on felony arrests if it is not requested by the arresting officer
9. Arrest Report
  - .1 An arrest report shall be completed on all persons arrested by this agency.
    - .01 If the defendant is too intoxicated to obtain full arrest information, the arrest report shall be completed as much as possible by the arresting officer.
    - .02 In these instances, the booking process shall be completed by the Community Service Officer prior to court or release time.
  - .2 When a citizen appears for a court-ordered booking, it is the responsibility of the Community Service Officer to complete an arrest and detention form after obtaining subject information from CMS.
    - .01 The citizen shall be processed and the arrest report shall be completed by the Community Service Officer.
    - .02 If the subject to be booked is not in CMS, the jailer should request proper identification, verifying the identity of the person being ordered to be booked. A court booking receipt, provided by the court and presented by the person to be booked will be signed by the jailer. A copy of the signed receipt is retained by the person for later proof to the court and another copy is retained by the jailer to be attached to the arrest and detention form, and forwarded to Records
  - .02 Jail staff shall enter court ordered booking information into CMS.

**G. 40304.5 V.C. WARRANT ARREST RESTRICTIONS**

1. Any person taken into custody for bail to be collected on two or fewer outstanding warrants for failure to appear on a citation for parking or a traffic infraction shall be handled in accordance with Departmental Procedure No. 10.

**H. DNA / Buccal Collection Procedures**

1. Prisoners processed through the temporary holding facility are subject to the voter initiative Proposition 69 and PC295 et. seq. Beginning on January 1, 2009, all adults arrested for a felony offense must provide a buccal swab (inner cheek scraping) DNA sample, and thumb and palm impressions for the State of California's DNA (CAL-DNA) Data Bank Program (Penal code Section 296(a)(2)(C)).

- .1 The CAL-DNA Data Bank Program applies only to adults arrested for felony offenses, not to juveniles.
  - .01 No samples shall be collected at arrest from persons under the age of 18. This limitation applies even if the juvenile arrestee is subsequently charged and prosecuted as an adult pursuant to Welfare and Institutions Code section 707.
  - .02 Samples from qualifying juvenile felony offenders should continue to be taken only after adjudication or when disposition is rendered. (Refer to California Department of Justice - Division of Law Enforcement Bulletin #04-BFS-03 on file in the holding facility for qualifying offenses / status of juveniles)
- .2 The January 1, 2009 provisions governing DNA sample collection from adults arrested for any felony offense are not retroactive and so do not permit collection for arrests that took place prior to 2009. Collection of DNA samples from an adult for a felony offense must be based solely upon the offense that was the basis for the arrest.
- .3 A qualifying arrestee must provide a DNA sample and palm impressions for the CAL-DNA Data Base Program if a suitable DNA sample and print impressions are not already on file for that individual with the Department of Justice
  - .1 The buccal swab sample must be accompanied by two right thumbprints. A full palm print impression of each hand must be collected and submitted separately from the DNA kit. The preferred, but not required, method of palm print submissions is electronic transmission via a Live Scan device
- .4 DNA collection from arrestees should occur at booking and after checking an arrestee's California automated criminal history record for a DNA collection flag
- .5 Wobblers and arrest duration; if the adult is arrested for a crime that could be charged as a felony or misdemeanor, the arrest is considered to be a felony arrest for the purposes of determining qualifications for collection under Penal Code section 296. An arrest for purposes of DNA collection last as long as the subject remains in continuous custody after the arrest and prior to conviction or adjudication (Penal Code section 835)
- .6 The collecting agency has exclusive responsibility for verifying an offender's identity and status as a person qualifying for DNA collection. Jail staff will work closely with the arresting officer in certifying the offender's identity and subsequent qualifying status for collection
  - .1 The Automated Criminal History System (ACHS) will be used to assist in identifying whether individuals qualify for collection or already have provided a DNA sample. CAL-DNA collection flags found in the ACHS provide information regarding the individual's collection status (California Department of Justice – Division of Law Enforcement Bulletin #08-BFS-02 on file in the detention facility contains DNA flag language and action required directions).
  - .2 Every effort should be made to prevent collection of duplicate samples. Questions concerning an offender's correct collection status may be directed to the CAL-DNA Data Base Outreach Program. Contact information is contained in California Department of Justice – Division of Law Enforcement Bulletin #08-BFS-02
- .7 A person (adult or juvenile) required to register as a sex offender (Penal code section 290) or an arson registrant (Penal Code section 457.1) but who has not yet provided a DNA

sample and palm print impression must provide samples at registration update or at an appointed time thereafter

2. Concord Police detention staff will comply with the mandates of DNA collection only if voluntary compliance from the offender is present. If the offender refuses to comply with the mandated collection, force shall not be used
  - .1 In the event an offender will not submit to the mandated collection of DNA, the on-duty jailer will ensure that the offender / arrestee is transported to the Contra Costa County Main Detention Facility and the refusal and need to collect DNA is documented on the transport forms

**I. RELEASE WITHOUT FORMAL COMPLAINT FILED**

1. Whenever a person has been arrested without a warrant and is released without being formally charged, pursuant to (either) Section 849(b)1 or 849(b)3, such person shall be issued a Certificate of Release (CP 115972).
  - .1 Certificates of Release shall be made in duplicate by the releasing officer or his/her superior officer (noting the authority for said release).
  - .2 The original copy of the Certificate of Release will be given to the person being released and the duplicate will be forwarded to the Legal Desk of the Records Bureau.
    - .01 The Legal Desk will obtain any required information and forward to Records for filing.
  - .3 The exception to this requirement is when a person has been in civil protective custody and is released per Section 647g PC.
2. Whenever a person has been arrested for warrants and it is determined that there has been an error; i.e, the person is not wanted, he should be **released as soon as possible**.
  - .1 No booking or photograph is required.
  - .2 A report detailing the circumstances shall be made.
  - .3 If the person has already been booked and photographed, follow the procedures as indicated in 1.1, 1.2 above.

**J. LENGTH OF DETENTION**

1. Male prisoners who are not otherwise released within 24 hours of arrest shall be transported to the Contra Costa County Jail.
2. Female prisoners shall not be housed at the Concord Police temporary holding facility. They shall be processed and, unless released, shall be transported to MDF as soon as practical.
  - .1 Female prisoners may only be held in designated temporary holding cells and only long enough to facilitate the initial investigation and booking

**K. JAIL SECURITY**

1. It shall be the responsibility of the on-duty Community Service Officer(s) to maintain security in the jail area, as well as ensure the safety of prisoners.

- .1 To facilitate security precautions, a T.V. monitoring system is maintained in the jail area.
2. Prisoners shall not be left unsupervised in the interview rooms, booking area, pre-booking area or any other pre-placement area.
  - .1 For the purpose of this order, prisoners accompanied by an attorney or bail bondsman shall be considered as supervised.
3. All weapons to include firearms and personal knives are prohibited beyond the sally port door or interior department door. All officers who enter this security area shall, in every case, secure their firearms and other weapons in the lockers provided for them, or the trunk of their patrol vehicle.
4. It shall be the responsibility of the designated facility manager, the Patrol Lieutenants and the on-duty Field Supervisors to assure that the security precautions are complied with by all personnel.