

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

ARREST PROCEDURE
SUBJECT

DATE: July 24, 2013

NO: P-1

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

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I. POLICY

Sworn personnel will take into custody persons believed in violation of Section 836 of the Penal Code.

II. LAW

Sworn personnel will become familiar with Sections 833 through 853.6a of the California Penal Code.

III. PROCEDURE

- A. The arrested subject will be taken into custody as prescribed by law.
- B. All persons arrested will be searched by the arresting officer unless the situation dictates otherwise.
 - 1. The search will range from a visual search, pat-down search, to a strip search.
 - 2. The search will be in accordance with good judgement and sound police practice.
- C. Felony/Misdemeanor Arrest
 - 1. Persons arrested should be handcuffed in accordance with sound police practices. Officers should keep in mind whether the arrested person is a danger to themselves, a danger to others, and/or whether there is an escape risk.
 - 2. If the situation dictates, Officers may use leg restraints (The Wrap, not Ankle Cuffs or Hobble ties) on arrested persons when they are in danger of hurting themselves, others, or property. This should be done after other means of control are deemed inappropriate.
 - a. Individual Officers must use judgement and restraint consistent with sound police practices. Persons in leg restraints will be continuously observed while in custody.
 - 3. Prisoner transportation will be accomplished in accordance with sound police practices, keeping in mind safety precautions for all persons involved. The situation will dictate which of the following methods to use:
 - a. Patrol Wagon
 - b. Caged unit (solo and two-officer cars).
 - c. Non-caged unit (solo and two-officer cars).
 - d. Ambulance (accompanied by officer).
 - 4. All persons arrested on felony or misdemeanor charges should have a head and shoulders color photo taken in accordance with General Order P-10.
 - a. The arresting officer is responsible for ensuring that photos are taken.

- b. If the arrested subject is combative or it is not practical to obtain a head and shoulders photo, the arresting officer will note the reason and the fact that none were taken in the arrest report.
 - (1) If a head and shoulders photo is necessary, the follow-up investigator will make arrangements to obtain one.
- 5. All persons arrested on felony or misdemeanor charges should have finger and palm prints taken in accordance with General Order P-10.
 - a. The arresting officer will have the responsibility of fingerprinting suspects.

D. Arrests of Females

- 1. Arrests of females will be conducted in the same manner as for males with the exception of transportation and search.
 - a. When transporting females in a Police Vehicle, whether or not they are in custody, Officers will adhere to the following.
 - (1) Females will not be transported with males, (the only exception to this is when they are husband and wife, or in a domestic relationship).
 - (2) The officer shall notify Telecommunications Center (via MDC, if possible) of the beginning mileage and destination. Upon arrival, Telecommunications Center shall be notified of the ending mileage. This information will be entered into the unit/call history by Telecommunications Center personnel. AVL can display the path and times of the transportation, if necessary.
 - (a) When the transporting officer is a male officer, and after the officer has advised Telecommunications Center personnel of such and of the mileage and destination, Telecommunications Center will notify a sergeant with a brief radio broadcast similar to: "4S23, see 4A25's call for transport information."
 - b. When transporting females in a Police Wagon not equipped with AVL, officers will adhere to the following procedures.
 - (1) Male and female prisoners will not be placed together in the same compartment within the wagon.
 - (2) If the wagon contains only a single female prisoner, two officers will transport, or the wagon will be followed by another unit.
 - (3) If the wagon contains more than one prisoner, (male or female), it is permissible for a single officer to transport without a following unit.
 - (4) In all cases when a female prisoner is being transported, the transporting officer shall notify the Telecommunications Center of their beginning mileage and destination (via MDC, if possible). Upon arrival, the Telecommunications Center shall be notified of the ending mileage. This information shall be entered into the unit/call history by the Telecommunications Center. If a solo male officer is transporting a female, the officer or CTC will advise a supervisor over the air, via radio broadcast.
 - c. Searching female prisoners
 - (1) When practical, the search of female prisoners should be conducted by female police officers. If no female officers are available, male officers may conduct a pat-down search for weapons or contraband.

E. Urine Samples

- 1. The toilet facilities in the holding cells will be used for obtaining needed urine samples.

- a. While using the holding cells, the doors shall remain open and only the low level light (gray light switch) in the cell shall be turned on.
 - (1) Personnel should notify the Telecommunications Center to refrain from monitoring the particular holding cell until advised otherwise.
 - (2) Holding Cells are video taped 24 hours per day, seven days per week. Tapes will be held for one (1) year, and then erased.
- b. The public and employee restrooms in the Police Facility shall not be used for obtaining urine samples from suspects for any reason.

2. Use of Evidence Identification Technicians (EIT) or Police Records Assistants (PRA)

- a. When it is necessary to use an EIT/PRA to obtain a urine sample from a female suspect, a police officer must accompany the EIT/PRA and wait within the immediate area (such as the hallway outside the holding cell) while the sample is being obtained.
 - (1) "Immediate area" means that the officer will be close enough to hear and render immediate assistance should any problems arise.
- b. Under no circumstances will an EIT/PRA take a suspect to a toilet facility without a police officer assisting.

F. DNA Collection

1. Due to the passage of Proposition 69, Law Enforcement personnel shall collect DNA samples from **adult** suspects arrested for **felonies** or **attempted felonies**.

- a. The process is as follows:
 - (1) Prior to collecting the samples, officers shall run the arrested person in Criminal History to ascertain if the person has a DNA sample on file. Officers should receive a response back within a short time advising if a DNA sample is needed.
 - (2) If the suspect has a sample on file, do not take a DNA sample.
 - (3) If a response does not arrive within 10 minutes or the time it takes to fingerprint the arrested person, a sample shall be taken. The Evidence Lab will follow up on whether the sample will be sent to DOJ the following work day.
 - (4) If a sample is needed, the Officer will collect the sample using a Buccal DNA Collection Kit. The Buccal DNA Collection Kit will be housed in the DUI investigation room of the Main PD and in the fingerprint/photograph room in Investigations at the SEB. **Follow the instructions located in the package. Follow the instructions posted in each room, fill in only the subject matter on the Specimen Information Card highlighted in yellow.**
 - (5) The process of collecting DNA consists of completing a Specimen Information Card located in the kit, and scraping the inner cheek of the suspect's mouth with a swab. This can be done either by the officer or preferably by the suspect (with the officer monitoring the process). It is important that the officer insure the accuracy of the information in the kit. Once everything is completed, the officer will place the sample and informational card in the resealable Buccal DNA Collection Kit envelope. Officers should not peel off the adhesive strip on any of the envelopes; these will be used by Evidence Lab personnel later for permanent sealing.

(6) The kit should then be placed in the locked slotted box, labeled Buccal Swab Kit. The slotted box will be located in the DUI investigation room and the Investigation's fingerprint/photograph room at the SEB.

2. Evidence Identification Technicians (E.I.T.) will collect the samples from the boxes and transport them to the Evidence Lab. Latent print examiners will then confirm the identity of the person contributing the DNA. After an identity has been confirmed, the examiners will seal the sample and mail it to the appropriate DOJ facility.
3. Refusal by an arrestee to submit a DNA sample is a chargeable offense. The arrestee should be told that his or her refusal is a violation of **PC 298.1(a)**, a misdemeanor which carries a \$500 fine and imprisonment of up to a year in the county jail. Further, reasonable force can be used to obtain a sample.
4. The Evidence Lab will be responsible for the maintenance/ordering of the Buccal DNA Collection Kit. The Evidence Lab will provide training for officers in the use of the kits during roll calls.

G. Death and Serious Illness or Injury of prisoners (for Juvenile Deaths and Illnesses see P-05)

1. Any prisoner unconscious or who cannot walk, talk, is in need of suturing, or who has a medical complaint, visible or not, will have immediate medical attention from a recognized medical authority before that prisoner is placed in San Joaquin County Jail.
 - a. If an officer determines that a prisoner has a respiratory illness or other communicable disease, the prisoner will be given a mask to wear (located in the first aid kit) during the duration of their contact with the prisoner.
 - b. Any officers in direct contact with this prisoner should consider wearing a mask as well.
2. In the event a prisoner becomes seriously ill or injured while in Police custody, the Watch commander will be notified immediately. In the event a prisoner dies while in Police custody, the Multi Agency Protocol will be invoked, and death notifications will be made pursuant to Protocol procedures.
3. In addition to any other Departmental investigations, (i.e., Multi-Agency Protocol), a review must be conducted upon the death of a prisoner who is in custody. The separate Departmental review will be in the form of a committee review. The Departmental In-Custody Review Board composition shall be as follows:

Captain, involved division (Chair)
Lieutenant, Personnel and Training Section or designee
Lieutenant, Investigations Division, or designee
Police Officer, Field Services Division
Legal Advisor
4. A Death in Custody Report of the incident must also be forwarded to the California Attorney General, within ten calendar days of the death. The Investigations Division Lieutenant will ensure this is completed.

H. Certification of Release

1. References
 - a. 849 P.C.
 - b. 851.6 P.C.
 - c. 11115 P.C.
2. Whenever an arrested subject is released from custody under the following circumstances, a Certificate of Release (PD Form 637) will be issued and attached to the report:
 - a. When the officer is satisfied there are insufficient grounds for making a criminal complaint against the person arrested.

- b. When the person was arrested only for being under the influence of a narcotic, drug, or restricted dangerous drug, and such person is delivered to a facility or hospital for treatment and no further proceedings are desired.
 - c. In any case in which a person is arrested and released and no accusatory pleading is filed charging him with an offense.
3. The arresting officer will complete and issue the Certificate of Release under the circumstances described in paragraphs 2a and b above.
 4. Support Services Division personnel will maintain the Certificate of Release in the Records Section.