

BERKELEY POLICE DEPARTMENT

DATE ISSUED: December 12, 2012

GENERAL ORDER J-1

SUBJECT: JAIL REGULATIONS

PURPOSE

- 1 - This General Order describes Department operational policy and procedures for the Berkeley City Jail.

POLICY

- 2 - Employees shall follow Jail operations procedures outlined in this Order and other Department Manual(s).
- 3 - In emergencies or special circumstances, the Chief of Police or Professional Standards Division Captain may authorize the temporary suspension of non-statutory regulations, or impose additional procedures, as emergency or special conditions may require.
- 4 - Jail staff shall be responsible for the receipt, booking, care and custody of prisoners and the enforcement of rules and regulations associated with the operation of the Jail.
- 5 - Unless otherwise required by direction of a command officer or emergency situation, all employees shall follow the reasonable requests and directions of the Jail staff.

DEFINITIONS

- 6 - Jail/Jail Facility: The jail proper, pedestrian sally ports, vehicle sally port, and public prisoner visiting rooms associated with the Berkeley City Jail.
- 7 - Jail Supervisor: A supervising Community Services Officer assigned to the Jail facility.
- 8 - Jailer: A Community Service Officer or Jail Supervisor assigned to custody management responsibilities within the Jail.

GENERAL PROCEDURES

Chain of Command

- 9 - The Jail is administered by the following chain of command (in descending order): Chief of Police, Professional Standards Division Captain, Professional Standards Bureau Lieutenant, Jail Operations Sergeant, and Jail Supervisor/supervisor designee.

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- (a) In the absence of the Professional Standards Bureau Lieutenant and Jail Operation Sergeant, due to duty status or emergency, the Operations Division Lieutenant (Watch Commander) and ranking Operations Division Sergeant, respectively, will fulfill the corresponding responsibilities in the Jail's chain of command.

Use of Force

- 10 - Employees shall adhere to "Use of Force" policies and procedures set forth in General Order U-2.
 - (a) Additional to any other report or document required by policy or law, the on-duty Jail Supervisor shall ensure an Incident Report is completed regarding use of force incidents occurring within the Jail.
- 11 - Physical restraint devices, such as "The Wrap", may be employed by trained employees to facilitate the control and/or transportation of a violent prisoner.
- 12 - Restraint devices shall not be used as punishment or as a substitute for requisite medical and/or psychological treatment.

Cameras and Recording Devices, Use of

- 13 - Filming, videotaping, photography, audio recording, or the use of any electronic device designed for the aforementioned activities (e.g., digital cameras and audio recorders, cellular telephone cameras, and personal digital assistants, etc.) in the Jail facility or associated prisoner visitation rooms for other than law enforcement or police investigative purposes is prohibited.

Jail Security

- 14 - Non-law enforcement persons entering the Jail facility shall be subject to a thorough cursory and/or metal detector search of their person and belongings.
 - (a) An attorney granted a "contact visit" with his/her client is not exempt from this search procedure.
- 15 - A jailer shall be present in the Jail whenever prisoners are being detained or held in the facility.
- 16 - A female jailer or female sworn employee shall be available to the Jail staff any time a female prisoner is detained in the Jail facility.
- 17 - Unless otherwise required by an emergency situation or to facilitate authorized ingress or egress, doors entering or within the Jail (i.e., sallyport entrances, confinement cell doors, control room access door, etc.) shall remain closed and locked.

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- 18 - Jail keys assigned to and maintained within the Jail facility shall not be left unattended.
- 19 - Cell areas shall be sufficiently illuminated so prisoners can be easily observed, and corridor lights shall be on at all times.
- 20 - When on-duty, jailers shall wear portable police radios assigned for the use of Jail staff.
- 21 - Jail staff shall keep conversation with prisoners to a minimum; courteous and respectful conversation intended to facilitate the efficient operation of the Jail is permitted.
- 22 - Jailers shall answer Jail intercoms promptly.
- 23 - No weapon shall be allowed in the jail absent an emergency situation and Operations Division Watch Commander authorization.
 - (a) Officers shall secure all weapons in a locker, or other appropriate secure container or location, prior to entering the Jail.
 - (b) For the purpose of this section, "weapon" shall include firearms, batons, flashlights (except equipment authorized for possession by a jailer), knives, and any chemical weapon (e.g., Oleoresin Capsicum spray.)
 - (c) For the purpose of this section, an "emergency situation" means incidents wherein the involved subject(s) may be armed and have the potential to inflict serious injury or death (e.g., a prisoner-involved hostage situation).
- 24 - No prisoner shall be allowed to have any pencils, pens or other markers, except those provided temporarily for completion of required forms or correspondence.
- 25 - Whenever maintenance or emergency personnel are in the Jail, jailers shall admonish them to maintain control of and account for all equipment and tools in their possession.
 - (a) Jail staff shall supervise the activity of maintenance or emergency personnel while present in the Jail.
- 26 - A jailer may deny entry to any person carrying an item believed to be, or may become, a hazard.
- 27 - Contraband of any kind is prohibited within the Jail.
 - (a) Unless otherwise authorized, any person who knowingly brings contraband (i.e., weapons, narcotics, narcotic paraphernalia, a wireless communication device, a handcuff key, etc.) into, or possesses such

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contraband while incarcerated in, the Jail will be subject to arrest and criminal prosecution (Penal Code §4573, et. seq.)

- 28 - Officers escorting a prisoner into the Jail for booking shall maintain effective custody and control over that person until directed into the Jail booking area by the booking jailer.
 - (a) Prisoners shall be handcuffed upon entry to the Jail and shall remain so restrained until the escorting officer is otherwise directed by a jailer.
- 29 - The booking officer shall remain with their prisoner until the person is secure in a jail cell, or relieved prior to that action by the booking jailer.
 - (a) The responsibility for the care and custody of prisoners who have not been booked into the Jail shall remain with the booking officer.
 - (b) The booking officer is relieved of custodial responsibility when the jailer takes physical control of the prisoner and communicates he/she no longer requires the officer's assistance.
- 30 - No prisoner shall be allowed outside a cell unless in the immediate and continuous control of a jailer or officer.
- 31 - Smoking is prohibited in the Jail (Berkeley Municipal Code, Chapter 12.70).

BOOKING PROCEDURES

General

- 32 - No person shall be booked into or held in the Jail facility without an associated Alameda County Consolidated Arrest Report form (CAR), completed by the booking officer or jailer as set forth in General Order A-52.
 - (a) For Court Ordered Booking, or where the defendant self-surrenders for criminal processing subsequent to issuance of a field citation, the booking jailer shall be responsible for completion of the CAR.
- 33 - If a prisoner has communication challenges (i.e., does not speak English, is hearing impaired, etc.), the booking employee should make a reasonable effort to locate a suitable interpreter to complete the booking process.
- 34 - If a prisoner is booked at another custodial facility (i.e., Santa Rita Jail), the booking officer shall provide this Department's Jail staff with a copy of the prisoner property form, and shall record the arrest and prisoner disposition in the appropriate arrest log.

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- 35 - Unless specifically exempt, prisoners booked into the Jail facility shall be fingerprinted and photographed in accordance with established procedure.
- (a) Prisoners booked on particular minor offenses (e.g., CORPUS "U" number offenses) or pending release pursuant to PC §849(b) should not be fingerprinted or photographed without supervisory approval.

Prisoner Acceptability

- 36 - The booking jailer shall consider the following factors in evaluating a prisoner's suitability for incarceration in the Jail:
- (a) The offense(s) being charged;
- (b) Prisoner responses to the booking questionnaire;
- (c) Jailer knowledge of the prisoner's previous incarceration; and,
- (d) Any other relevant fact that would adversely effect the prisoner's incarceration at the Jail.
- 37 - No person shall be accepted into the Jail in an unconscious condition, or if suffering from a serious illness, injury, disability or physical condition that would present a hazard to their safety while in custody.
- (a) Minor injury, prior to arrival at the Jail: If the arrested person suffered a minor injury (i.e., treatable by first aid methods, not requiring medical examination and clearance for incarceration) prior to arrival at the Jail, that person may be accepted for booking at the discretion of the on-duty Jail supervisor.
- (1) Prisoners with an injury that could require medical treatment beyond the level of first aid should be considered for diversion to another appropriate custodial facility.
- (2) In the event a prisoner refuses first aid treatment for a minor injury suffered prior to arrival at the Jail, the booking jailer shall document the extent of the injury and offer to facilitate other medical assistance, as may be appropriate.
- (3) If accepted into the Jail, any later request of a prisoner for medical assistance will be honored in accordance with General Order A-17.
- (b) Serious/major injury or illness, prior to arrival at the Jail: An arrested person suffering an illness or injury requiring a medical examination and clearance for incarceration prior to arrival at the Jail will not be accepted for booking.

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- (1) Subsequent to medical clearance, booking officers shall follow booking procedures described in paragraph 81(f) of this Order.
- (c) Permanent non-ambulatory condition: An arrested person with a permanent physical disability or condition who is unable to transport themselves with, or be transported via, mechanical means (i.e., wheelchair, crutches, etc.) may be directed to another detention facility for incarceration, at the discretion of the on-duty Jail Supervisor.
- (d) Temporary impairment condition: An arrested person who is temporarily disabled as a result of intoxication, or similar condition, may be accepted into the Jail if he/she is able to respond to verbal or physical stimulation to the satisfaction of the on-duty Jail Supervisor.
- (e) Prisoners exposed to the primary effect of less-than-lethal devices: The booking jailer shall ensure any arrested person who was subject to the primary effects of a less-than-lethal (e.g., conducted electrical device, baton round, diversion device, sting ball grenade, etc.) or non-lethal (e.g., ASP baton, OC spray, etc.) device in the course of their apprehension has been evaluated for injury by the arresting officer prior to booking into the Jail facility.
 - (1) Any arrested person who was exposed to the primary effect of an electricity-based less-than-lethal device shall not be accepted in the Jail, or booked into another custodial facility, without having first been examined and cleared for incarceration by a physician.
 - (2) Any arrested person who was exposed to the primary effect of an electricity-based less-than-lethal device three or more times in the course of his/her apprehension will not be accepted (i.e., pre-booked, booked or detained within) into the Jail facility, but will be transported to and booked into an alternative custodial facility.
- (f) Prisoners with mental disorders who exhibit behavior requiring emergency psychological examination (Welfare and Institutions Code §5150): Any arrested person whose offenses involved, were a result of, or who exhibited behavior due to, a mental disorder that created a danger to themselves, a danger to others, or an inability to care for him-/herself, will not be accepted in the Jail.
 - (1) If a prisoner answers "Yes" to the pre-screening question, "Do you intend to commit suicide?", that person shall be cleared for incarceration by a psychiatric physician before being booked into another appropriate custodial facility.
- (g) A pregnant prisoner under the influence of drugs: Any pregnant prisoner under the influence of drugs to the extent that her life, or life of the fetus,

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could be in danger, shall not be accepted in the Jail without having first been examined and cleared for incarceration by a physician.

- (1) For purposes of this Order, "pregnant" shall refer to a woman who is visibly pregnant or states she is pregnant.
 - (h) A prisoner requiring prescription medication: The following arrestees shall be transported directly to an alternative custodial facility having the capability to provide necessary medical assistance.
 - (1) A prisoner who requires an oral prescription for a cardiac-related condition (e.g., nitroglycerin) or injection-serviced medication.
 - (2) A prisoner who requires prescription medication on a regular basis, but who does not possess said medication at the time of booking, or cannot coordinate the receipt of such medication within a reasonable time post-booking.
- 38 - A prisoner who demonstrates behavior that is excessively violent, destructive, threatening and uncooperative, and constitutes a hazard to jail staff and other prisoners, whether at the time of booking or after their incarceration in the Jail, shall be transported to an appropriate alternative custodial facility.

Juveniles

- 39 - No person under the age of eighteen (18) years shall be knowingly confined in any portion of the Jail unless pursuant to an Order issued by the Juvenile Court of Alameda County.
- 40 - No person under the age of eighteen (18) years shall be admitted into the Jail for fingerprinting, photographing or alcohol-related breath test unless the involved jailer ensures the juvenile's presence is managed so as to prevent physical/visual contact with adult prisoners.

Jail Searches

- 41 - The officer transporting a prisoner to the Jail facility shall conduct a thorough search of the prisoner's body and clothing (non-strip search) for weapons and contraband before bringing the prisoner into the Jail.
- 42 - The booking jailer shall conduct thorough searches of prisoners and their property during the booking process.
- (a) A booking search shall be witnessed by either the booking officer or another employee.

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- (b) Custodial searches of prisoners shall be conducted in a location within the Jail booking area designated for this procedure.
- 43 - Whenever possible, a cursory booking search should be performed by an employee of the same gender as the person being searched.
- (a) As necessary, a male prisoner may be searched by either a male or female employee.
 - (b) In the event a female employee is immediately unavailable, a male employee may conduct a cursory search on the person of a female prisoner FOR WEAPONS ONLY.
 - (1) A cursory search of a female prisoner by a male employee shall be witnessed by another employee, either the booking officer or another jailer.
 - (c) Employees handling female suspects shall adhere to the prisoner handling policy established in Police Regulations 207 and 209.
 - (d) Employees handling transgender prisoners shall adhere to the protocols described in Police Regulations 207 and 209, and Training and Information Bulletin #275
- 44 - Strip searches conducted within the Jail shall be conducted as authorized by General Order S-7.
- 45 - In addition to any documentation included with the investigative report, the jailer involved in conducting a strip search within the Jail shall document the action on the designated administrative report form, and route it as follows:
- (a) The original (white) copy will be attached to the confinement report;
 - (b) A copy (pink) will be issued to the arresting officer for inclusion with the investigation report; and,
 - (c) A copy (yellow) will be routed to the Jail Operations Sergeant via the on-duty Jail supervisor.
- 46 - Contraband and/or evidence discovered during a booking search shall be collected by the booking officer for appropriate processing.

Prisoner Property

- 47 - The Alameda County Sheriff's Office Prisoner Property Receipt (Form 230-1) shall be used by Jail personnel to document a detailed inventory of prisoner property.

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- 48 - The booking officer shall remain present during the booking jailer's inventory of a prisoner's property, unless relieved by another officer or second jailer.
- 49 - The booking jailer, witness employee, and prisoner shall sign the Prisoner Property Receipt at the completion of the inventory.
- (a) If the prisoner refuses to sign the Receipt, the booking jailer shall check the "refused to sign" box and place their own initials in the section labeled "Prisoners Signature".
 - (b) In the event of a refusal to sign, the booking officer or assisting jailer shall witness and initial the booking jailer's "refused to sign" notation.
- 50 - The booking jailer shall route the completed and signed Prisoner Property Receipt is as follows:
- (a) Original (white), yellow and pink copies are attached to the envelope/bag containing the prisoner's property.
 - (b) Goldenrod copy to prisoner.
 - (1) If the prisoner refuses to accept their copy of the Property Receipt, the booking jailer shall write, "Copy Offered - Refused", in the "Comments" section of the Receipt, and place the copy in the prisoners property bag/envelope.
 - (2) In the event of a prisoner's refusal to accept a copy of the Property Receipt, the booking officer or assisting jailer shall witness and initial the booking jailer's "Copy Offered – Refused" notation.
- 51 - The booking jailer shall ensure a prisoner's currency and jewelry are secured into a plastic heat-sealed bag and labeled using the prisoners PFN number.
- (a) If rings or other jewelry cannot be removed, the booking jailer shall advise the prisoner the Department will not be responsible for items not surrendered, and shall note this fact and admonition on the prisoner's Property Receipt and Prisoner Confinement Record.
- 52 - No alcoholic beverages, perishable food items, or flammable liquids/chemicals shall be brought into the jail or held in Jail property lockers.
- (a) Cigarette lighters or similar flammable/chemical items having particular value, or where retention of the item is desired or appropriate, shall be handled and stored pursuant to hazardous article procedures set forth in General Order P-65.
 - (b) Other cigarette lighters and similar flammable items may be discarded.

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- 53 - The booking officer shall be responsible for booking into the Property Room as “safe keeping” a prisoner’s property which is not maintained in the Jail property storage facility.
- 54 - Property taken as evidence during the booking process shall be inventoried by the investigating officer on an Evidence Report form, a copy of which shall be attached to the outside of the prisoner property bag.
 - (a) The disposition of this evidentiary property shall be the responsibility of the investigating officer and conform with procedures described in General Order P-65.
- 55 - Prisoners may wear one set of clothing during confinement in the Jail. Other clothing deemed extraneous or potentially hazardous (i.e., extra pants, shirts, hard-soled or high heel shoes, steel toe boots, etc.) shall be surrendered.
 - (a) The booking jailer shall ensure that shoelaces are removed from shoes that are worn by a prisoner during confinement.
 - (b) If a prisoner’s shoes are removed at or prior to booking, the booking jailer shall offer the prisoner-approved slippers for wear during confinement.
- 56 - Prisoners who wear prescription eyeglasses or contact lens shall be permitted to retain them during confinement, except in the following circumstances:
 - (a) Prisoners who are intoxicated shall not be permitted to wear or have eyeglasses in their possession until deemed sober by the on-duty Jail supervisor.
 - (b) Eyeglasses may be confiscated from prisoners who exhibit violent tendencies or unusual behavior.
- 57 - The booking jailer shall place all prisoner property in a secured property locker immediately upon completion of the booking process, and shall note the locker number in the appropriate box of the Prisoner Confinement Record.
 - (a) Oversized “bulk” prisoner property shall be stored in the Jail’s property storage room, unless its dimension and/or quantity requires more storage space (ref. paragraph 53 of this Order.)
- 58 - In the event prisoner property is maintained in a storage facility other than within the Jail, the booking jailer shall issue a “Bulk Property” letter, advise the prisoner of the location of his/her property (e.g., in the Property Room), and admonish him/her that the “bulk” property will be deemed “abandoned” and be subject to destruction after 90 days, in accordance with the provisions of General Order P-65.

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- (a) The triplicate "Bulk Property" letter shall be routed as follows:
 - (1) Original (white) copy attached to Jail record;
 - (2) Blue copy issued to the prisoner; and,
 - (3) Pink copy attached to property container/bag.

- 59 - Jail personnel are responsible for the security of prisoner property.
 - (a) Only authorized persons shall enter the Jail's Property Storage Room or Property Lockers.

- 60 - Unless release of specific personal items is authorized by owner consent or lawful process, a prisoner's property should be maintained in or released from the Jail's Property Storage facilities in its entirety.
 - (a) Owner consent for the release of funds or other items from a prisoner's property shall be documented by the prisoner's signature or initials on the original copy of the prisoner's Property Receipt.
 - (b) The employee releasing a prisoner's property shall:
 - (1) Obtain satisfactory identification for the person to whom the property was released;
 - (2) Record the name of the person and the form of identification presented on the Property Receipt;
 - (3) Sign the Property Receipt affirming property release; and,
 - (4) Have the recipient sign the Property Receipt affirming receipt of released property.

- 61 - No one shall use money (i.e., currency or coin) belonging to a prisoner for making change.

- 62 - Once a prisoner has been booked into the Jail facility, no money, gifts, or other property will be accepted for that prisoner.

- 63 - Jail personnel should not accept mail (i.e., letters, packages, etc.) delivered by the US Postal Service for prisoners housed in the Jail facility.
 - (a) The on-duty Jail supervisor shall be responsible for returning the mail to the Post Office as "undeliverable."

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Detainers

- 64 - A detainer received for a prisoner being booked into, or held in, the Jail facility shall be maintained with the prisoner's CAR.
- (a) Jail staff receiving a detainer shall add it on the original and all copies of the CAR.
 - (b) Prisoners shall be informed of all detainers placed after initial booking.
- 65 - When a prisoner is received from the County Jail or another jurisdiction, the employee taking custody of the prisoner shall investigate whether there are any detainers pending.
- (a) If a detainer is found to exist, the same procedure shall be followed as for detainers placed against any prisoners taken into custody by this agency.
- 66 - If an outside agency makes a verbal request to place a detainer not supported by an arrest warrant upon a person detained by this department, or prisoner in custody within the Jail facility, the employee receiving such request shall obtain from the agency:
- (a) A written report containing all known facts supporting the detainer; and,
 - (b) Written confirmation of the verbal request via teletype or facsimile that includes detainer-specific information:
 - (1) Identification of the agency and the officer placing the detainer.
 - (2) Complete identifying information for the subject of the detainer (i.e., name, alias, date of birth, physical description, address(es), and relevant identifying numbers).
 - (3) Criminal charges.
 - (4) Requesting agency's case number.
 - (5) Name of and contact information for the officer requesting the detainer.
 - (6) If applicable and available, the date and time the requesting agency intends to take custody of the subject of the detainer.
 - (c) As caution must be exercised when holding prisoners on a detainer not supported by warrants or warrant abstracts, the on-duty Jail Supervisor shall be responsible for ensuring the procedure described in paragraphs 66, 66(a) and 66(b) of this Order are accomplished.

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- 67 - When a detainer is terminated, the employee receiving the termination notice shall immediately note this fact on the prisoner's Consolidated Arrest Report.

Outside Agency, Bail Bond/Surety Agent Booking

- 68 - Prisoners in the custody of other law enforcement agencies or bail bond agents may be booked into and temporarily housed within the Jail.

- (a) Outside agencies will be charged a daily maintenance fee for booking, housing and feeding of each prisoner.
- (b) The jailer shall ensure both the main Jail Log and the Out-Agency Log is completed by the outside agency officer prior to his/her departure.

- 69 - Prior to receiving an arrestee into the Jail facility, Jail staff shall verify non-uniformed booking officers are bona fide peace officers, and bail/surety agents possess court documents required by PC §847.5.

- 70 - Prisoners in the custody of a bail bond/surety agent may be held when:

- (a) Surrendered in lieu of bail or when retaken after escaping bail;
- (b) Arrested in or transported through Berkeley en-route to another state, or,
- (c) After having escaped bail in that state and being retaken pursuant to PC §847.5.

- 71 - The booking jailer shall process the arrested person into the Jail in accordance with existing Department regulations, and document the booking as a case numbered report on the Consolidated Arrest Report form.

Jail Arrest Logs

- 72 - The officer responsible for the booking of an arrested person shall ensure a Jail Arrest Log entry is properly completed prior to leaving the jail.

- 73 - The booking jailer assisting an outside agency officer with the booking of an arrested person shall ensure an Outside-Agency Arrest Log entry is properly completed prior to the officer leaving the jail.

- 74 - Jail staff shall be responsible for the update of Jail arrest logs regarding prisoner disposition or other relevant information, as may be required.

Telephone Calls

- 75 - Each prisoner shall be allowed to make three (3) completed telephone calls immediately upon being booked, except where physically impossible, and no later than three (3) hours after arrest (ref. PC §851.5).

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- (a) A prisoner who is a custodial parent with responsibility for a minor child shall be allowed two (2) additional completed calls to a relative or other person for the purpose of arranging for the care of the minor child or children in the parent's absence.
 - (b) Legally required telephone calls shall be given immediately upon request, or as soon as practicable.
 - (c) "Physically impossible" is a situation where the prisoner is too violent or intoxicated to cooperate during the booking process. Once the prisoner is sober or cooperative, telephone calls will be provided, if requested.
 - (d) A prisoner who is the primary caregiver for an elderly person may be allowed two (2) additional completed calls to arrange for the elderly person's care in the caregiver's absence.
 - (e) The jailer facilitating a prisoner's telephone calls shall log each call by time and phone number called.
 - (f) A Telecommunications Device for the Deaf (TDD) shall be provided to any prisoner who expresses a need for it.
- 76 - If the prisoner initially refuses to make calls during booking, calls may be allowed at a later time, when reasonably practical.

FOREIGN NATIONAL, CONSULATE NOTIFICATION

- 77 - Known or suspected foreign nationals, upon arrest and booking, or detention for more than two hours, will be advised by the arresting officer of their right to communicate with an official from the consulate of their country, except when consulate notification is mandatory.
- (a) If the right to communicate is exercised by the foreign national, or if notification is mandatory, the detaining/arresting officer will accomplish the notification via phone or facsimile communication without delay.
 - (1) The officer will advise the foreign national that notification will be, or has been, accomplished.
 - (2) The list of countries/consulates requiring mandatory notification is codified in PC §834c, and is maintained in the Jail. (Ref. TIB #140)
 - (b) Jail staff will ensure the foreign national is allowed to communicate with, correspond with, and be visited by a consular officer of his/her country.

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BLOOD-ALCOHOL CONTENT, TESTING AND SAMPLING PROCEDURES

- 78 - Employees who utilized the Jail to obtain samples of a prisoner's bodily fluids as part of a criminal investigation shall adhere to relevant policy and procedure set forth in General Order A-53 and TIB #95.
- 79 - The breath analysis system will be maintained in the Jail and available for official use in individual testing for respiration-based blood-alcohol content.
- 80 - Persons arrested for public intoxication (PC §647(f), alcohol) who, prior to booking, request a chemical test to determine blood-alcohol content, shall be afforded a "breath test" and use of the Dräger Alcotest to accomplish the desired analysis.
 - (a) If Dräger Alcotest results indicate a person under investigation for alcoholic beverage-related public intoxication has no blood-alcohol content, that person shall be immediately released from custody pursuant to PC §849(b), unless other charges are pending.

PRISONER CONFINEMENT

General

- 81 - The following factors will be considered by the Jail staff when assessing prisoners for cell assignment:
 - (a) Violent vs. Non-violent Offenders: Persons charged with crimes of violence, or who are likely to be a threat to other prisoners and/or jail staff, shall be housed separately. Persons who are likely to damage cell furnishings (i.e., televisions, telephones, etc.) shall not be housed in cells that are so equipped.
 - (b) First Offenders vs. Criminal Sophisticates: Whenever possible, first-time offenders should be kept separate from persons who have a history of incarceration or imprisonment.
 - (c) Alternative Lifestyles: Persons who exhibit sexual tendencies, preferences or physiological conditions which place them at personal risk among other prisoners (e.g., transvestites, transgender, passive homosexuals, etc.) shall be housed separately. The sexual preference of a prisoner shall not be a reason to deny the prisoner any privilege given to other prisoners.
 - (d) Escape Risk: Persons who have a history of, or are likely to attempt to escape, shall be housed separately.

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- (e) Developmentally Disabled: Prisoners exhibiting developmental disabilities shall be segregated consistent with Article 5, Section 1057, Title 15 of the California Code of Regulations (CCR.)
 - (1) Prisoners shall be considered developmentally disabled if their condition is due to mental retardation, cerebral palsy, autism, or any limitation of intellectual capacity which tends to remain stable over the lifetime of the person.
 - (2) Jail staff will inform The Regional Center of the East Bay (510-383-1200) of the incarceration of a developmentally disabled person, as that organization may be able to provide services to the prisoner following his/her detention.
 - (f) Medical/Sanitary Problems: A prisoner who has an injury or illness which may be transmitted to other prisoners or Jail staff who has been cleared for incarceration by a physician shall be transported to Santa Rita jail or other custodial facility that can provide appropriate medical care.
 - (1) Prisoners who are extremely dirty and refuse to shower subsequent to booking shall be housed separately.
 - (g) Hearing Impaired: Persons who suffer from a loss of hearing which does not present an impediment to custody shall be accepted in the Jail, and should be housed in a jail cell or dormitory which provides for optimum observation by jail staff.
- 82 - Male and female prisoners shall not be housed together, nor shall they sleep, dress, undress, bathe or perform eliminatory functions in the same room or within view of each other.
- 83 - Jail staff may accomplish cell reassignment if it will benefit the peace and good order of the jail, and ensure the welfare of the prisoner population.
- 84 - When placing a prisoner in a cell, the following procedure shall be followed:
- (a) Prior to prisoner placement, the unoccupied cell shall be searched by the jailer for weapons and contraband.
 - (b) The jailer shall escort the prisoner to the cell – the prisoner will walk in front of the jailer – and instruct the prisoner to wait at a designated location past the cell door.
 - (c) The jailer will open and control the cell door, direct the prisoner into the cell, and subsequent to that entry, close the door until it locks and is secure.

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- 85 - Following the removal of a prisoner from a cell, Jail staff shall search the cell for weapons, contraband and undocumented damage caused by the prisoner.
- 86 - The on-duty Jail supervisor shall ensure all empty cells are searched for weapons, contraband and undocumented damage prior to the transfer of custodial responsibility to the next duty shift.
- 87 - Jailers who discover a weapon, contraband or unusual conditions during a cell search shall make an immediately oral report to the on-duty Jail supervisor, and prior to the conclusion of their duty shift, document the discovery on a Jail Incident Report form.
 - (a) The on-duty Jail supervisor shall review the Jail Incident Report and attached it to their Daily Activity Report.

Use of Sobering and Safety Cells

- 88 - The following procedures shall govern the use of "Sobering" cells:
 - (a) Prisoners who are intoxicated to such level as they are unable to care for themselves shall be housed in a Sobering Cell until they are sober.
 - (1) A charge of intoxication shall not be the sole criteria for placement of a prisoner into a Sobering Cell. Jail staff shall consider the prisoner's overall physical condition, as well as the factors described in paragraph 81 of this Order, in determining appropriate cell assignment.
 - (b) Unless otherwise authorized by the on-duty Jail supervisor, prisoners requiring temporary placement in a Sobering cell shall be housed in the designated gender-assigned cell.
 - (c) Prisoners placed in a Sobering cell shall be considered HIGH MEDICAL RISKS. Jail staff shall monitor such prisoners for responsiveness and indications of physiological extremis (i.e., problems breathing, unusual skin color, or other signs of a medical problem or physical trauma.)
 - (1) Jail staff shall not allow a prisoner to "sleep off " the intoxication of either alcohol and/or drugs.
 - (2) If a prisoner is not responsive to verbal stimulation, the inspecting jailer shall, with sufficient assistance, enter the cell and physically rouse the prisoner by touching or shaking.
 - (3) A prisoner who is not easily aroused, cannot respond to simple commands, appears to have difficulty breathing or appears ill, shall

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be transported to a medical facility for medical examination and clearance for incarceration.

- (d) Intoxicated prisoners shall not be held in a Sobering cell for more than six hours without medical evaluation and clearance by a physician.
- (e) Upon receipt of a medical clearance for incarceration, a prisoner who returns to the custody of the Jail shall be returned to a Sobering cell until such time as he/she is eligible for reassignment to a general population cell.

89 - The following procedures shall govern the use of "Safety" cells:

- (a) A prisoner who becomes extremely violent during booking or while in-custody may be temporarily held in a Safety cell.
- (b) A prisoner who develops or exhibits behavior consistent with a psychological disorder shall be placed in a Safety cell until such time as the risk created by said condition is no longer present or the person is transferred to an appropriate medical facility for treatment.
- (c) The following notifications shall be made whenever a prisoner is placed into a Safety cell:
 - (1) Whenever a prisoner is placed into a Safety cell, the on-duty Jail supervisor or Jail Operations Sergeant shall be advised as soon as practical. If either are absent or unavailable, the Operations Division Watch Commander, an Operations Division sergeant, or the senior Operations Division officer on duty (in order) shall be advised.
- (d) Prisoners shall not be held in a Safety cell for more than six hours.
 - (1) A prisoner held in a Safety cell for six hours shall be evaluated for the medical and/or mental health condition which necessitates their placement within the cell.
 - (i) A prisoner who requires medical or mental health care shall be transferred to the appropriate care or detention facility.
 - (ii) A prisoner who does not require medical or mental health care shall be relocated to a non-safety cell.
- (e) A prisoner maintained in a Safety cell shall not be restrained with handcuffs and/or ankle cuffs.

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- (1) Restraint devices may be employed as authorized by paragraph 11 of this Order.
- (f) A prisoner held in a Safety cell will be allowed to retain clothing sufficient to cover their body, unless said clothing is removed for security or evidentiary reasons.
 - (1) In the event it is deemed necessary to remove all of a prisoner's clothing, the prisoner shall be provided with a safety garment (e.g., a paper coverall.)
- 90 - A prisoner housed in a Sobering or Safety cell shall be monitored by jail staff every fifteen minutes, or at a more frequent interval as may be directed by the on-duty Jail supervisor.
- 91 - In the event a prisoner must be confined in a Sobering or Safety cell for a period exceeding six (6) hours, the Professional Standards Bureau Lieutenant, or if absent/unavailable, the Operations Division Watch Commander or Duty Command Officer shall be notified.
 - (a) Maintenance of the prisoner within the Sobering or Safety cell beyond six (6) hours shall be upon the express authorization of the notified command officer.
- 92 - Sobering and Safety cells shall not be used for punishment or as a substitute for requisite medical and/or psychological treatment.
- 93 - If not completed at the time of entry into the Jail, the prisoner's booking process shall be completed at the earliest practical time after that person exhibits physiological indications of sobriety (i.e., an ability to care for him or herself) or behavior that indicates they are no longer a threat to jail staff or other prisoners.

Custodial Records

- 94 - Jail staff shall be responsible for ensuring prisoner records are complete, accurate, and current.
- 95 - A Prisoner Confinement Record shall be completed by the booking jailer at the time of booking, and shall be updated by Jail staff as necessary throughout the term of the prisoner's detention.
 - (a) Whenever a prisoner is temporarily removed from the Jail, transferred to another detention facility, or released from custody, Jail staff shall record the activity on the individual's Prisoner Confinement Record at the soonest practical opportunity.

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- 96 - Jail staff shall employ and regularly update the Jail Control Board to display current prisoner information.
- (a) Jailers shall use the Jail Control Board to display prisoner information (i.e., name, arresting officer's badge number, booking jailer's badge number, date and time of booking), location, and any special conditions or instructions in order to efficiently manage the prisoner population.
 - (b) Whenever a prisoner is temporarily removed from the Jail, transferred to another detention facility, or released from custody, jail staff shall update the Jail Control Board at the soonest practical opportunity.
- 97 - The physician's medical treatment and clearance ("fit for incarceration") report shall become a part of the prisoner's custodial record and retained in file.
- (a) A copy of the physician's report shall be forwarded with the prisoner when he/she is transferred to another detention facility.
- 98 - If the booked prisoner is in possession of medication to be stored in the secured medicine drawer during incarceration, the booking jailer shall attach a small colored sticker to the prisoner's Control Board card and to the corresponding Prisoner Confinement Record.
- 99 - The Sobering or Safety Cell Log shall be accurately completed by the inspecting jailer, and displayed on the wall adjacent to the cell door while the cell is occupied by a prisoner.
- (a) The jailer conducting a security check of an occupied Sobering or Safety cell shall record the inspection on the appropriate Log form.
- 100 - Upon the prisoner's release from a Sobering or Safety cell and reassignment to a general population cell, the jailer accomplishing the transfer shall update the appropriate Log form and attach it to the prisoner's Confinement Record.
- 101 - Subsequent to a prisoner's release from the custody of this department, the individual's custodial records (e.g., Prisoner Confinement Record, logs, Incident Reports, etc.) shall be retained in file as required by relevant policy and law.

Prisoner Discipline

- 102 - A prisoner who creates a disciplinary issue within the Jail facility may be transferred to Santa Rita jail or other appropriate custodial facility, upon approval of the Jail Operations Sergeant, or in his/her absence, an on-duty **Operations** Division supervisor.

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SERVICE ANIMALS

- 103 - Employees shall give due consideration to a request from a disabled arrestee for their bona fide service animal to be present with him/her while confined in the Jail facility.
- (a) The employee considering said request shall be responsible for making permissible inquiries to determine the status of the alleged animal and suitability for entry into the Jail (ref. TIB #278).
- 104 - A service animal may be separated from a disabled prisoner, but only in cases where:
- (a) The animal would pose a direct threat to the health and safety of others; violent, aggressive, or potentially dangerous animals shall not be allowed into the Jail; or,
- (b) The animal would jeopardize the safe operation of the Jail.
- 105 - The employee considering a disabled arrestee's request shall ask the arrestee if their separation from of the service animal would constitute or create a medical emergency.
- (a) In the event an arrestee states separation from their service animal will constitute or create a medical emergency, the prisoner shall be taken to a hospital facility for pre-booking examination and medical clearance.
- (b) Subsequent to being medically cleared for incarceration, the involved disabled arrestee shall be transported to and booked at Santa Rita Jail.
- 106 - Should a service animal been deemed unsuitable for entry into the Jail, the employee making said determination should, circumstances permitting, allow the disabled prisoner to make custodial and care arrangements for their animal.
- (a) In the event arrangements cannot be made, or are impractical to facilitate, the service animal shall be delivered to the care of Animal Control.
- (1) The employee who delivers a service animal to the custody of Animal Control shall be responsible for communicating the arrestee's name and his/her animal's service-related status to Animal Control staff.
- (2) The officer who separates a service animal from an arrested disabled person prior to arrival at Jail shall:
- (i) During the booking process, notify Jail staff of the animal's service status and location.

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- (ii) Note the animal's service status and location on the arrestee's Consolidated Arrest Report form.

- 107 - If a disabled prisoner cannot accomplish any of the following conditions, the service animal will not be accepted into the Jail.
- (a) The disabled prisoner must be able to care for (i.e., feed and clean) their animal, or provide an attendant who can come to the Jail facility to accomplish the same care.
 - (b) The disabled prisoner must also agree to ensure the animal's transfer from the Jail no later than four (4) hours prior to the prisoner's transfer to Court or other facility.
- 108 - Upon release of a disabled prisoner from the Jail facility, the jailer responsible for such release shall notify the prisoner of, and provide contact information for, the location of his/her service animal.

JAIL EMERGENCIES

General Protocol, Cell Entry

- 109 - Employees shall not enter an occupied cell in which an emergency exists, except:
- (a) In response to and in order to resolve the emergency situation; and,
 - (b) With sufficient assistance to accomplish the purpose of the entry.
- 110 - Employees shall exercise due caution when entering an occupied cell alone.

Medical / Psychiatric Emergencies

- 111 - Provision of medical aid to injured or ill persons in custody shall be in accordance with General Order A-17.
- 112 - Jail staff shall adhere to the following procedures in the event of a medical or psychiatric emergency in the Jail facility.
- (a) Immediately notify the Communications Center by radio or telephone to request necessary medical/psychiatric professionals and sufficient officers to assist with prisoner control.
 - (b) Ensure efficient entry of responding emergency personnel into the Jail facility.

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- (c) Relocate uninvolved prisoners from the effected cell or detention area to facilitate safe access to the effected prisoner by responding emergency personnel.
- 113 - The following procedure shall be followed in the event of a non-life threatening complaint of illness or injury:
- (a) Jail staff shall treat any complaint of illness/injury by a prisoner valid, and shall interview the prisoner to determine the nature of the complaint.
 - (b) If the complaint or injury can be resolved by common first-aid material(s), and the involved prisoner accepts the offer of said material(s), Jail staff may dispense required items from the Jail facility's first aid kit.
 - (c) If medical attention is requested by the prisoner, or otherwise deemed prudent, Jail staff shall follow the medical emergency procedures described in paragraph 112 of this Order.
- 114 - In the event of any medical-related issue occurring in the Jail facility, Jail staff shall note details of the issue and the action(s) taken on the involved prisoner's Confinement Record.
- (a) Prisoner Confinement Record notation of a medical-related issue will not supplant the on-duty Jail supervisor's responsibility to report the significant incident in his/her Daily Report.
- 115 - In the event of hospital transportation of a prisoner in custody solely on an outside agency hold, the on-duty Jail supervisor shall contact that agency and request an officer be assigned to and respond for the hospital stand-by.
- 116 - Upon return of a prisoner from a hospital or psychiatric treatment facility, and if Jail staff determines the prisoner is acceptable for incarceration in the Jail facility, the following procedures shall be accomplished:
- (a) The prisoner and any article in his/her possession shall be thoroughly searched.
 - (b) The Prisoner Confinement Record shall be updated to indicate that treatment was given, the time that the prisoner was returned, and any special instructions regarding the prisoner's care while in custody.
- 117 - If a prisoner requests non-emergency treatment for narcotic withdrawal symptoms during normal business hours, the Special Enforcement Unit shall be notified and be responsible for arranging appropriate transportation and medical assistance.

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- (a) During times when SEU personnel are not available, Jail staff shall follow the medical emergency procedures described in paragraph 112 of this Order.

Acts of Violence, Riot

- 118 - In the event of an act of violence (e.g., fight, riot, etc.) in the jail, Jail staff shall immediately notify the Communications Center and request assistance.
- 119 - The Communications Center Police Desk dispatcher shall be responsible for directing emergency response personnel to the Jail Sally door specified by Jail staff.
 - (a) In the event access to the Jail must be accomplished manually by responding personnel, the Police Desk dispatcher shall assign at least one emergency responder to obtain emergency Jail keys maintained in the Communications Center or Operations Sergeants' Office.
 - (b) The emergency responder assigned to obtain emergency Jail keys shall be responsible for manually opening the designated Jail Sally door and, unless his/her entrance into the Jail is required by the emergency, maintain a security post at the open portal.
- 120 - The ranking employee present at the emergency shall assume command of the response until relieved by higher authority.
- 121 - The Communications Center shall notify the Professional Standards Bureau Lieutenant, or if absent or unavailable, the Operations Division Watch Commander, or if absent the Division Captain (in order of notification), who shall respond to the Jail and assume command of the incident until resolved or relieved.
 - (a) If a Professional Standards Division commanding officer is not on duty or immediately unavailable, the ranking Operations Division supervisor or command officer shall assume command of the incident until the emergency is resolved or he/she is relieved by higher authority.

Escapes

- 122 - The employee who witnesses or discovers a prisoner's escape from custody shall make an immediate report to the Communication Center.
 - (a) The reporting employee shall provide the Communication Center all available information about the escapee, including, but not limited to, the person's description, reason for detention/arrest, known/suspected risk factors, information regarding persons/vehicles associated with the escape, and direction of flight.

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- 123 - The Communications Center will alert all on-duty personnel to the escape and assign a sufficient number of Operations Division officers to:
- (a) Accomplish an area search for the escapee.
 - (b) Conduct the preliminary investigation into the escape offense.
- 124 - The Communication Center supervisor shall ensure, and assigned dispatchers shall be responsible for, requisite or requested notification of outside agencies and/or individuals with regard to a prisoner escape.
- 125 - The Operations Division sergeant supervising the preliminary investigation shall ensure administrative notifications regarding a prisoner escape are made to the following department personnel:
- (a) Operations Division Watch Commander, or in his/her absence, the Duty Command Officer;
 - (b) Professional Standards Division Captain;
 - (c) Homicide Detail Detective Sergeant, or his/her designee; and,
 - (d) Department Public Information Officer.
- 126 - The Operations Division Watch Commander, or in his/her absence, the Duty Command Officer, shall ensure administrative notification of a prisoner escape has been made to the Chief of Police.
- 127 - If the escape was from the Jail facility, Jail staff shall remain with, account for, and ensure the custodial security of the remaining prisoner population.

JAIL EVACUATION

- 128 - Jail staff shall have primary responsibility for jail evacuations.
- 129 - Unless prevented by the nature of the event, the on-duty Jail supervisor shall ensure all prisoners are evacuated from the Jail facility.
- (a) Prisoners with physical, mental, or medical challenges will be assisted from the facility to designated exterior location(s).
- 130 - Officers responding to assist an evacuation shall have primary responsibility for security of prisoners once they have exited the jail.
- 131 - The on-duty Jail supervisor will determine and direct the type of "Phase Evacuation" to be accomplished:

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- (a) PHASE I Evacuation (NO IMMEDIATE URGENCY): No urgency, but conditions warrant evacuation. Prisoners will be handcuffed and/or chained.
- (b) PHASE II Evacuation (URGENT SITUATION/CONDITION): There is an urgent need to evacuate the facility, without time to accomplish an orderly evacuation. Prisoners will NOT be handcuffed/chained, but will be escorted from the building and maintained under guard.
- (c) PHASE III Evacuation (CATASTROPHE): A major catastrophe has occurred necessitating the immediate evacuation of the facility. Cell doors will be opened, prisoners will be released from custody, and all persons will be directed to self-evacuate via the closest accessible facility exit.

132 - In the event of a Phase I or II evacuation, the jailer assigned to computer booking (i.e., CORPUS jailer) will bring all prisoner booking packets to the designated assembly area to facilitate prisoner accounting.

Designated Prisoner Holding Areas

133 - The on-duty Jail supervisor, or command officer in his/her chain of command, shall designate a holding area where evacuated prisoners will be maintained under armed guard.

134 - Circumstances and logistics permitting, the following may be employed as temporary prisoner holding areas:

- (a) A safe area within the perimeter fence of the south PSB parking lot.
- (b) A designated rally point within Civic Center Park.
- (c) Placed on a bus or van for transport to a designated rally point or detention facility (e.g., Glenn Dyer/North County Jail, Santa Rita Jail, etc.)

Other Evacuation Procedures

135 - With due regard to retention of custody criteria set forth in General Order C-10, consideration shall be given to citation release of prisoners held on misdemeanor or infraction offenses.

- (a) Unless released from custody pursuant to a Phase III evacuation, prisoners in custody for a felony offense shall not be released on a "Notice to Appear" (i.e., an "Own Recognizance" release) without express approval of an Alameda County Superior Court judge.

136 - Circumstances and logistics permitting, in the event of prisoner injury, jail staff shall follow the medical care protocols established in General Order A-17.

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- (a) Should provision of medical care be necessarily delayed, jail staff should coordinate such medical care at the soonest practical opportunity.
- 137 - Jail personnel on-duty at the time of an emergency situation that requires an evacuation shall remain at their assigned post until authorized to go off-duty by their Chain of Command.

PRISONER RELEASE/TRANSFER

General

- 138 - No person shall be released from custody in an intoxicated condition.
- (a) To be eligible for release from custody, a prisoner must be sober to the extent he/she can care for him-/herself in public (ref. PC §647(f)).
 - (1) This protocol does not preclude release of an intoxicated adult upon Notice To Appear into the custody of a sober and responsible adult, provided that adult will assume responsibility for the intoxicated adult.
 - (2) This protocol does not preclude release of an intoxicated juvenile into the custody of his/her sober and responsible adult parent or guardian, provided that adult will assume responsibility for the intoxicated juvenile.
 - (3) Release of an intoxicated detainee pursuant to PC §849(b) who will not be subject to criminal prosecution shall be accomplished in accordance with General Order I-15.
 - (b) Neither the passage of any set period of time, nor posting of or ability to post bail, shall be factors considered in regard to evaluation of a prisoner's sobriety.
- 139- Jail staff should not knowingly release a prisoner with an active detainer (i.e., warrant), with the exception of civil immigration detainees. Per City Council direction, Jail staff shall not comply with any civil immigration detainer requests from the Immigration and Customs Enforcement Agency (ICE) or its agents.**

In regards to all other active detainees Jail staff shall:

- (a) Prior to a prisoner's release, ensure available automated warrant systems are checked for active detainees and parole status.

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- (b) Should extraordinary circumstance require the release of a prisoner with an active detainer, release shall be with the approval of the on-duty Jail supervisor.
- 140 - Prior to the transfer or release of a prisoner, Jail staff shall accomplish the following procedures:
- (a) Examine the prisoner's identification wristband for any tampering.
 - (b) Verify the information on the identification wristband corresponds with the information on record for the subject to be released.
 - (c) Ensure all booking procedures (e.g., CORPUS booking, fingerprinting, and mug photos) have been completed.
 - (d) Ensure all detainees have been researched and received:
 - (1) Jail staff shall ensure automated computer systems have been checked for any outstanding arrest warrant detainees (e.g., CLETS, AWS, NCIC, etc.) issued for the prisoner, and if discovered, each shall be verified according to established protocol.
 - (i) Jail staff shall properly update automated computer systems and Jail booking documents (i.e., CAR), with copies of booking documents routed according to established protocol.
 - (2) Jailers shall ensure available record systems have been checked to determine the prisoner's parole status, and if determined to be active to parole, shall contact the California Department of Corrections and Rehabilitation (CDCR) to request a "parole hold" detainer.
 - (i) If the prisoner has been charged with a felony offense, a "parole hold" shall be requested.
 - (ii) Should it become necessary to transfer a prisoner to court or otherwise release a prisoner from custody prior to receipt of a parole detainer, Jail staff shall so advise CDCR prior to the prisoner's transfer or release.
 - (e) Obtain the prisoner's copy of the Property Receipt and compare it with the original.
 - (f) Prior to release from custody, ensure the prisoner signs the Property Receipt affirming return of his/her personal property.
- 141 - When a prisoner is transferred to another custodial facility, the following procedure shall be followed:

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- (a) Jail staff will provide the transporting officer all confinement-related documentation, including detainers, necessary to accomplish the transfer, as well as the prisoner's personal property.
 - (1) The transportation officer shall sign the Property Receipt to affirm receipt of the prisoner's personal property.
 - (b) The transportation officer taking custody of the prisoner shall sign in the space provided on the CAR.
 - (c) The transportation officer shall deliver the prisoner, his/her personal property, and custodial documents into the custody of the accepting agency.
- 142 - Prisoners will be transported in accordance with procedures described in General Order T-2.
- 143 - In the event of a prisoner's release pursuant to his/her acceptance of a Notice to Appear (i.e., citation or Own Recognizance release), Jail staff shall assign a court appearance date.
- (a) Regarding outside agency detainers, Jail staff shall contact the outside jurisdiction to request a court appearance date.
- 144 - Jail staff shall note a prisoner's actual release time on the Prisoner Confinement Record.

Bail

- 145 - Bail shall be set by booking officers in accordance with the bail schedule established by the Superior Court of the county wherein an arrest occurred, or as set by the issuing Judge on a Warrant of Arrest.
- (a) Employees shall not deviate from established bail amounts unless authorized by a Judge.
 - (b) When authorized by law, employees shall include penalty assessments and increases due to prior convictions to a prisoner's total bail amount.
 - (c) Jail staff shall be responsible for verifying accuracy of the bail amount exhibited on the prisoner's Consolidated Arrest Report.
- 146 - Bail shall be accepted by Jail staff in the following forms, with negotiable items made payable to "City of Berkeley":
- (a) Cash

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- (1) Cash bail shall be documented with a bail register receipt giving total plus any penalty assessment. The employee shall write the denominations in the denomination box of the receipt.
- (2) The Jailer receiving cash equaling or exceeding \$10,000.00 shall complete Internal Revenue Service Form 8300 (Report of Cash Payments Over \$10,000 Received in a Trade or Business).
 - (i) The Jailer who completes IRS Form 8300 shall forward the completed form to the Internal Revenue Service by the 15th day following receipt of the cash bail.
 - (ii) The Jailer who receives cash bail over \$10,000.00 shall immediately inform the on-duty Jail supervisor, who shall document the cash receipt in his/her Daily Activity Report.
- (b) Traveler's Check
- (c) Cashier Check
- (d) Money Order
- (e) Surety/Bail Bonds
 - (1) Surety/Bail Bonds are accepted as bail for any person in custody or named in a warrant charging a bailable offense, subject to any restriction indicated on said warrant.
 - (2) Bonds must be presented in person by a bail bond broker, and not by another person through a power-of-attorney.
 - (3) The bond must accurately exhibit:
 - (i) Date of arrest.
 - (ii) The defendants name and PFN.
 - (iii) All criminal charges.
 - (iv) The type of offense(s) (i.e., "misdemeanor" or "felony").
 - (v) Relevant CEN and/or warrant number(s).
 - (vi) The sum of bail, including penalty, or the maximum amount of the bond, whichever is less. The sum shall not include any cash posted in conjunction with the bond.
 - (vii) The name of the court and date of appearance.

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- (viii) The signature of at least one "attorney-in-fact".
 - (ix) The seal of a Notary Public.
 - (4) In the event of the unavailability of automated booking systems, Jail staff will accept a bail bond and shall be responsible for later inclusion of required information normally obtained from computer records.
 - (5) A bail register receipt shall not be issued for a surety or bail bond, except to cover the amount of any cash posted in conjunction with it.
- 147 - Bail bond certificates or credit cards issued by some automobile clubs are not acceptable in lieu of one of the approved forms of bail.
- 148 - Jail staff accepting bail for a prisoner with multipleailable detainers shall administer the bail process with specific regard to the judicial jurisdictions involved; bail shall be calculated, received, and a single receipt issued for each involved jurisdiction.
- (a) Multiple warrants/One court: The sum of bail will be documented on one receipt.
 - (b) Multiple warrants/Multiple courts: The sum of bail for all warrants issued by each court will be calculated and documented on a separate receipt.
 - (c) Jail staff shall not divide one bond or check between multiple judicial jurisdictions.
- 149 - Each bail receipt shall contain requisite identifying information and be administered pursuant to established protocol.
- (a) Requisite information includes: prisoner's name and PFN; associated CORPUS Event Number(s) (CEN); criminal charge(s); warrant number(s), if applicable; bail amount, including currency denomination details; the court's name and address; the name and mailing address of the firm or person posting bail;
 - (1) Monetary instruments, such as cashier checks, shall have the CEN and/or warrant number written on it, and both will be placed in the bail locker.
 - (b) Receipt routing: white and pink copies of the receipt will be placed in money drop envelope, with currency and/or monetary instrument (e.g., check) attached. Yellow copy goes to the person posting the bail.

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- 150 - Jail staff shall place bail received in the bail register or jail bail drop box.
- 151 - Bail posted for persons arrested for other jurisdictions shall be forwarded to the appropriate jurisdiction by the Public Safety Business Office.
 - (a) A letter of transmittal shall accompany bail which is forwarded to an outside jurisdictions.
 - (b) The name and mailing address of the firm or person posting bail shall be included when the bail is transmitted to the proper agency.
- 152 - When bail is posted, Jail staff shall be responsible for immediate update of automated computer systems (i.e., AWS and CORPUS), and/or transmission of teletype to the agency issuing an involved detainer.
- 153 - The jailer who accepts bail, or who receives an order of release from the Court, is responsible for ensuring that the involved prisoner is released from custody, a responsibility that cannot be delegated.

Surety/Bail Bond Brokers

- 154 - Jail staff shall accept surety or bail bonds from bond brokers licensed by the Insurance Commissioner of the State of California
 - (a) Brokers do not need a City of Berkeley business license to post surety or bail bonds, and, as such, shall not be refused service in the conduct of official business.
- 155 - No bail bond broker, or his/her representative, shall be allowed to talk to a prisoner except by specific request of the prisoner for a particular broker.
- 156 - No employee shall recommend a bail bond broker, or communicate with a bail bond broker for a prisoner, except as provided in Police Regulations 214 and 215.
- 157 - Neither bail bond brokers, nor their representatives, shall be permitted to send any papers into the Jail for a prisoner to sign, nor will any employee procure or facilitate such signature.
 - (a) The employee who received said request shall advise the bond broker that signature(s) can be obtained subsequent to posting of bail and prisoner release.
- 158 - In response to specific inquiries, bail bond brokers may be furnished information concerning a subject who has been booked and is in-custody. In addition to identifying information, the broker may also be provided with the report number,

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Personal File Number (PFN), and CORPUS Event Number (CEN). No broker or their representative shall be allowed to see the actual CAR.

- 159 - Employees shall neither authorize nor permit any solicitation in the Public Safety Building by a bail bond broker or his/her representatives.

IN CUSTODY DEATH

- 160 - The death of a prisoner in custody shall be investigated and administered in accordance with General Order P-12.
- 161 - The death of a prisoner in transit or being transferred to another agency or facility, who has not been remanded and accepted into the custody of that agency or facility, shall be considered an in-custody death and investigated pursuant to this policy and protocol.
- 162 - The employee discovering the in-custody death shall immediately notify the on-duty Operations Division Watch Commander, or if absent or unavailable, the senior on-duty Operations Division supervisor.
- (a) If the death occurred within the Jail facility, Jail staff shall also immediately notify the Jail Operations Sergeant.
- 163 - Jail staff will isolate suspect and witness prisoners, as space allows.
- 164 - Jail staff shall make reasonable efforts to protect the area where the death occurred until crime scene control is assumed by investigating officers or detectives.

PRISONER VISITATION

General

- 165 - Jail staff will facilitate prisoner visitation during established and publicly posted hours.
- 166 - Prisoners may refuse any visit.
- 167 - Jail staff shall require prospective visitors to present a valid picture identification card and disclose their relationship to the prisoner prior to the requested visit.
- (a) Jail staff shall deny a request for prisoner visitation for a visitor's failure to comply with this requirement.
- 168 - A person who is under the influence of alcohol or drugs, or who is belligerent, shall not be allowed to visit prisoners held in the Jail facility.
- 169 - For the purpose of this Order, visitation will be categorized as follows:

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- (a) "Non-Contact" Visit: the visitor is restricted to the public side of a visiting room.
- (b) "Contact" Visit: the visitor is allowed entry to the Jail proper and has a face-to-face interview with the prisoner in an unoccupied cell.

"Non-Contact" Visitation

- 170 - Only one visitor shall be allowed to occupy the public side of a visiting room at any time, unless otherwise authorized by the on-duty Jail supervisor.
- 171 - Prisoner visitation by a juvenile may be allowed under the following conditions:
 - (a) Juvenile visitation must be approved by the Jail Operations Sergeant, or in his/her absence, an on-duty Operations Division supervisor.
 - (b) The juvenile must be in the company of a responsible adult, preferably the juvenile's parent or legal guardian.
- 172 - The jailer facilitating a "non-contact" prisoner visitation shall ensure the public side door of the visiting room is closed and locked before the prisoner enters the jail side of the room.
- 173 - Notwithstanding the procedure regarding bail-related documents, should it be necessary for a prisoner to sign or receive any document, such document shall be delivered to them by the jailer, and, if appropriate or necessary, returned to the visitor after signing.
 - (a) Jailers shall receive documents presented by persons lawfully authorized to serve process and facilitate the service of said legal process documents directed to a prisoner held in the Jail (ref. PC §4013).

"Contact" Visitation, Civilians and Law Enforcement

- 174 - Sworn Department personnel will be allowed to visit and interview prisoners housed in the Jail facility when done in connection with their official duties.
- 175 - Non-sworn Department personnel shall not enter the Jail facility unless authorized by the Jail Operations Sergeant or command rank officer.
- 176 - Except as authorized in this Order or by competent authority, no civilian shall be admitted to the Jail facility.
 - (a) "Competent authority" shall include the on-duty Jail supervisor, Jail Operations Sergeant, other sergeant, or a command rank officer.
 - (b) In all cases, the civilian visitor must be on official business and under the direct supervision of the authorizing sergeant or command rank officer.

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- (1) Except for in extraordinary circumstances, this supervision responsibility shall not be delegated.
 - (c) A “contact” visit by civilian/non-law enforcement entities shall not be allowed if the prisoner does not provide his/her consent.
- 177 - Jail staff shall facilitate a request from a law enforcement officer to have a “contact” visit with a prisoner in custody in the Jail facility.
- 178 - The Jailer facilitating a “contact” visit shall require the civilian or outside agency visitor to complete the Visitors Register, and shall note the type of identification presented.
- 179 - Jail staff shall allow an interview of a prisoner by law enforcement officers at the prisoner’s cell, in a holding room, or at a location outside the Jail facility.
- (a) Officers shall not use the Jail booking areas for prisoner interviewing.
 - (b) The removal of prisoners from the jail by outside agency law enforcement officers shall only be allowed when:
 - (1) The prisoner is being held for the agency in question; or,
 - (2) Approved by a Professional Standards Division commanding officer.
 - (c) Once a prisoner has been removed from the Jail facility, responsibility for prisoner custody shall transfer from Jail staff to the involved law enforcement personnel.
- 180 - Jail staff shall note a removal occurred on the involved prisoner’s Prisoner Confinement Record.
- 181 - The removal of prisoners from the Jail facility by persons other than law enforcement personnel is prohibited.
- 182 - No more than one prisoner shall be moved to the Jail visiting area at a time.

“Contact” Visitation, Attorneys

- 183 - Properly certified and identified attorneys shall not be denied the privilege of visiting their client(s) at any time.
- (a) To be admitted into the jail visiting area, the attorney must present a California Bar Association membership card for the current year, and sufficient other identification so as to allow jail staff to be reasonably certain of the identity of the person.

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- 184 - A request of an attorney to visit their client(s) shall be acted upon without unreasonable delay.
- (a) Attorneys who wish a “contact” visit with an in-custody client, but who lack proper credentials, shall not be admitted into the Jail facility to meet with a prisoner, however, they may be allowed visitation pursuant to the “non-contact” protocols described in this Order.
- 185 - A prisoner’s request to confer with or contact an attorney, whether or not the attorney is present at the Jail facility, shall be acted upon without unreasonable delay.
- 186 - A prisoner shall be considered a “client” if any of the following apply:
- (a) An attorney has been appointed to represent the prisoner.
- (1) An attorney from the Public Defender’s Office shall be considered an appointed attorney once charges have been filed by the District Attorney’s Office.
- (b) An attorney has been retained to represent the prisoner.
- (c) The attorney has been requested by the prisoner, or by a third party acting on behalf of the prisoner.
- 187 - An attorney shall be afforded reasonable privacy while interviewing his/her client.
- (a) Employees shall remain sufficiently distant to ensure privacy, and shall not eavesdrop on the conversation between an attorney and his/her client.

CRIMINAL REGISTRATION PROCESS

- 188 - Jail staff shall facilitate an individual’s criminal registration as may be required by PC §290 (sexual offense), PC §457.1 (arson offense), or HS §11590 (narcotic offense).

PRISONER VOTING

- 189 - The Department shall make reasonable attempts to assist voting by a prisoner in custody in the Jail facility who is eligible and registered to vote in any local, state, or federal election who requests to cast a ballot on Election Day.
- 190 - The Jail Operations Sergeant, or if unavailable (in order of responsibility), the Professional Standards Bureau Lieutenant or Operations Division Watch Commander, shall contact the Registrar of Voters for the County in which the prisoner is registered to determine the process to be followed for acquisition and submission of a “Vote By Mail” (also known as “Absentee”) ballot.

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- (a) If the prisoner states he/she is registered to vote in Alameda County, the supervisor or command officer shall be responsible for the following:
 - (1) Call the Alameda County Registrar of Voters (510-272-6933) to verify the prisoner is registered and eligible to vote within the County.
 - (2) If the prisoner is registered and eligible to vote, an employee shall be assigned to:
 - (i) Obtain and provide the prisoner an Application For Vote By Mail Ballot form;
 - (ii) Deliver the completed and signed ballot application form to, and obtain a Vote By Mail Ballot form, the Registrar of Voters office (1225 Fallon Street, Room #G-1 [Basement], Oakland); and,
 - (iii) Ensure the ballot is delivered in a timely manner to the prisoner in the Jail facility.

191 - Jail staff shall make reasonable efforts to facilitate a prisoner's receipt and completion of a ballot.

- (a) With due regard to facility security and employee safety, a prisoner shall be provided the opportunity to complete a ballot in relative privacy.

192 - The supervisor or command officer responsible for acquisition and delivery of a ballot to a prisoner in the Jail facility shall make a reasonable effort to ensure the completed ballot is delivered to the location prescribed by the Registrar of Voters contacted (reference paragraph 190 of this Order.)

- (a) Completed ballots for prisoners registered to vote in Alameda County shall be promptly delivered to a local voting location (e.g., City Hall, 2180 Milvia Street, Berkeley.)

DAILY ACTIVITY REPORT

193 - The on-duty Jail supervisor, or supervisor designee, shall complete a Daily Activity Report in accordance with General Order P-14.

USE OF PRISONERS FOR WORK INSIDE THE JAIL

194 - While a prisoner cannot be required to perform any work, a prisoner may be requested to assist in maintaining proper sanitary conditions inside the jail.

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References: California Code of Regulations, Title 15 (Crime Prevention and Corrections)
Elections Code §§2000, 2025, 2300, 3003 and 3021
Government Code §12525
Health and Safety Code §11590
Penal Code §§290, 457.1, 647(f), 834c, 847.5, 849(b), 851.5, 4002, 4003, 4011.5, 4013, 4021(a), 4021(b), 4030, 4575, 6030 and 6031.1
Vehicle Code §40304.5
Welfare and Institutions Code §5150
Berkeley Municipal Code, Chapter 12.70
General Orders A-17, A-52, A-53, B-1, C-10, D-2, D-6, H-6, I-15, P-12, P-14, P-29, P-65, R-23, S-7, T-2 and U-2
Police Regulations 203 - 209, 213 - 216, 234
Training and Information Bulletins 95, 140, 247, 275 and 278