

DATE:	MARCH 11, 2016
NUMBER:	Q.51
SUBJECT:	CRIMES COMMITTED BY “IN CUSTODY” INMATES
RELATED SECTIONS:	

PURPOSE

To ensure that all legal and department requirements are met in the handling of crimes committed by inmates in custody.

POLICY

Whenever sufficient information becomes available to charge an inmate with a crime, appropriate detention facility staff will complete appropriate reports. All assaults, whether prosecution is desired or not, will be documented in a crime report.

PROCEDURE

- I. Frequently, arrests are made by sworn detention facility staff for misdemeanor or felony offenses committed by inmates while in custody. When such arrests are made, sworn personnel must write reports for the issuance of complaints by the District Attorney. These reports, and any other follow-up investigation, must be completed in a timely manner in order to obtain complaints and to enable arraignment of inmates on additional arrest charges. The Detention Investigations Unit (DIU) shall be notified as soon as possible of any arrests.
 - A. Whenever an inmate is arrested for a crime committed while in custody, the appropriate sworn facility staff member shall complete an arrest report.
 - B. Such reports will be submitted prior to the end of shift and the reports shall be reviewed and approved by appropriate supervisory staff. A report may be completed the next day if approval is obtained from the watch commander. If overtime is necessary to complete the above, it will be approved.
 - C. After DIU has been contacted and the reports have been completed, an additional arrest will be completed by Inmate Processing Division staff for the appropriate charge(s) upon receipt of a Booking Intake/Personal Property Inventory form (J-15 form) and a Probable Cause Declaration.
 - D. Once an inmate has been booked on the charge(s), he/she must be arraigned within 48 hours, per 825 PC.
 - E. Reports, etc., shall be handled in the same manner as reports taken in the field; and the arrest will be handled and processed in the same way (i.e., if a misdemeanor crime did not occur in the presence of the arresting officer, then a warrant may be obtained).

- II. DIU will follow-up on all assaults between inmates, regardless of the crime. The DIU sergeant will be notified in a timely manner of crimes such as: escapes, attempted escapes, and assaults with serious injury.