

DATE:	MARCH, 25, 2022
NUMBER:	Q.8
SUBJECT:	REFUSAL TO COOPERATE WITH THE BOOKING PROCESS
RELATED SECTIONS:	Q.5 , Q.6 , Q.7 , I.52 , M.32

PURPOSE

To provide a standard procedure for handling incarcerated persons who refuse to cooperate with custody processing (e.g., booking interview, fingerprinting, and photographing).

POLICY

All individuals brought to Sheriff's detention facilities will be accurately identified. Uncooperative individuals will be processed in accordance with state/federal laws and state guidelines. Only reasonable and necessary force will be used to obtain fingerprints or photographs when an individual is refusing to cooperate with custody processing. Whenever force is used to obtain fingerprints and photos the process will be recorded on video.

PROCEDURE

I. DEFINITIONS

- A. Booking: Penal Code Section 7 defines the verb "to book" as: the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.
- B. Booking Interview: A procedure in which the Detentions Processing Technician (DPT) conducts a series of questions directly to the person arrested in order to record obtained information.

II. Individuals who refuse to cooperate with any part of the booking process will:

- A. Be administratively separated until identified. Confirmation of identification is required on all persons admitted to San Diego County Sheriff's detention facilities. This will allow for the following:
 - 1. Proper classification and possible "keep separate" status.
 - 2. The detection of aliases and outstanding wants and warrants of a serious nature.
 - 3. Proper recordation and evidence of an arrest or other custodial/judicial process.
- B. Be given the same amount of telephone access as other arrestees.
- C. Receive food, sanitary facilities and all other essential services provided for all other incarcerated persons in the receiving/booking area.

- III. When an individual refuses to provide the arresting officer with their correct name, the individual will be processed into custody under the names “John or Jane Doe.” The following procedures will be followed:
- A. Unnamed individuals who are obviously under the influence of drugs or alcohol will either be placed in a holding cell, sobering cell or safety cell as is appropriate for their condition and the configuration of the detention facility.
 - B. After the detoxification period, the individual will be given another opportunity to identify themselves and to cooperate with the booking process.
 - C. Individuals who do not cooperate with the booking process due to possible mental impairment will be referred to the facility health staff.
 - D. Sober and sane individuals who, after the above steps, conscientiously continue to refuse to submit to booking will be handled as described in subsections IV and V below. Incident reports will document the individual's actions and staff's actions taken in response to the individual's refusal.
 - E. Individuals who meet the requirements of a mandatory strip search per section [1.52](#) of the Detention Policy and Procedures and who refuse to cooperate with the strip search, will be forcibly strip searched pursuant to Policy and Procedures section [1.52](#) – Strip and Pat Down Searches of Incarcerated Persons
 - F. All “John or Jane Doe” bookings will be handled according to Section [Q.6](#) - Unidentified Persons (AKA: John/Jane Doe) of the Detention Policy and Procedures.
- IV. If an individual refuses to answer booking interview questions, but cooperates with fingerprinting:
- A. The staff will attempt to identify them by submitting the fingerprints to the CAL-ID System.
 - B. The booking/property screen will be completed as much as possible, with information from the intake slip and from the CAL-ID System. If the CAL-ID System cannot provide identifying information, the procedure described in subsection V of this policy shall be followed.
 - C. Nothing in this policy will preclude the use of legal investigative techniques, records searches or contact with other agencies and/or citizens in an effort to competently identify an individual.
- V. If an individual refuses to be fingerprinted or photographed, the following steps will be taken:
- The watch commander shall order the use of reasonable and necessary force to obtain fingerprints and photographs of the individual and the following practices shall be followed:
- 1. Only reasonable and necessary force will be used to obtain the prints.
 - 2. A sergeant will be present and oversee the procedure.

3. As in all uses of force, a report documenting the incident will be inputted in our records management system. A Supplemental Use of Force Report (SO-120) form will be prepared and filed as well.
4. Suggestions for forcibly taking fingerprints are set forth below. However, each individual and situation being different, other more suitable methods may become necessary. The use of a gurney in forcibly taking fingerprints will be handled according to Detention Policy and Procedures Section M.32 - Use of Medical Gurney.
 - a. Live Scan is the preferred method for obtaining fingerprints from an incarcerated person for transmittal to the CAL-ID System. It is recommended a gurney be used to facilitate the taking of fingerprints. The use of a gurney will enable deputies to minimize movement as they obtain the fingerprints.
 - b. Ink prints are an alternate method for obtaining fingerprints from an incarcerated person. In order to facilitate the taking of ink prints, the use of a safety or sobering cell is recommended. The padded floor will serve as a protective setting for deputies to obtain the fingerprints.
5. Video of the incident shall be attached to the NetRMS report.