

DATE:	MAY 23, 2022
NUMBER:	Q.51
SUBJECT:	CRIMES COMMITTED BY “IN CUSTODY” INCARCERATED PERSONS
RELATED SECTIONS:	

PURPOSE

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

POLICY

Whenever sufficient information becomes available to charge an incarcerated person 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 incarcerated persons 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 to obtain complaints and to enable arraignment of incarcerated persons on additional arrest charges. The Detention Investigations Unit (DIU) shall be notified as soon as possible of any arrests.
 - A. Whenever an incarcerated person 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 Detentions 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 incarcerated person has been booked on the charge(s), they 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 incarcerated persons, 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.