

City of Eugene POLICE COMMISSION



The Police Commission recommends to the City Council, City Manager, police department, and the people, the resources, preferred policing alternatives, policies, and citizen responsibilities needed to achieve a safe community. We strive to create a climate of mutual respect and partnership between the community and the police department that helps to achieve safety, justice and freedom for all people in Eugene.

Policy Screening and Review Committee Members: Bob Walker, Chair; Jesse Lohrke, Vice-Chair, Bernadette Conover, Linda Hamilton, Tamara Miller, Juan Carlos Valle

Policy Screening and Review Committee Eugene Police Commission

5:30 PM Tuesday, June 5, 2012
Eugene City Hall, Room 109, 777 Pearl Street

Staff Contact: Carter Hawley, 541-682-5852

<u>Starting Time</u>	<u>Item</u>	<u>Minutes</u>
5:30	Agenda and Material Review	5
5:35	Minutes Review and Approval	5
5:40	Public Comment	10
5:50	Review of Building Related Policies	60
6:40	Community Dialogue and Member Comment	20

Upcoming Scheduled Meetings
July 3, 2012 (Room 109 City Hall)
September 4, 2012 (TBD)



Police Commission

City of Eugene
777 Pearl Street, Room 106
Eugene, Oregon 97401
(541) 682-5852

Memorandum

May 30, 2012

To: Members of the Policy Screening & Review Policy - Police Commission

From: Carter Hawley, Police Commission Analyst

Subject: Material Review for June 5, 2012 Meeting

Polices Related to the new Police Headquarters

At the meeting June 5, the Committee will review the department's response for the following policies:

324 – Custody of Juveniles

900 – Prisoner Processing Facility

After completion of this, the Department will be prepared to walk through the property procedures policy to solicit committee input.

At the May 1 meeting, the Committee voted to forward the fitness facility and locker room facility to the Commission for their review and approval. Those two policies will be added to the material the committee reviews at the June 5 meeting and forwarded to the City Council for consideration.

Meeting Location

The July 3 meeting is scheduled to meet at City Hall in Room 109. The September meeting and subsequent meetings will need to meet at another location, as City Hall will be vacated. Readily available options include the Public Library, Singer Room (2nd Floor), or the new Police Headquarters. To assure space availability, it would be helpful to get the committee's preference on meeting location at the June meeting.

Policy Screening and Review Committee

Eugene Police Commission

DRAFT

**Note: meeting is available on audio tape. These notes represent only the basic information captured at the meeting per public meetings law. A copy of the audio recording can be purchased by contacting the Police Commission Analyst at 541-682-5852.*

Meeting: Police Commission – Policy Screening and Review Committee

Date: May 16, 2012

Present: Committee members: Bob Walker, Chair; Jesse Lohrke, Bernadette Conover, Tamara Miller, Linda Hamilton

Absent: Juan Carlos Valle

The meeting convened at 5:30pm

Public Comment:

Deb Frisch expressed her belief that the Police Commission should be concerned about the use of force with the Occupy Eugene incident with the two lesbian moms, because of the underlying policy issues, including use of force, and the criminal behavior of a police officer.

Move/Second: Walker/Conover

I move that Mr. Jesse Lohrke serve as vice chair. The motion passed 3-0, with Lohrke abstaining.

Move/Second: Lohrke/Miller

I move the minutes are approved as submitted. The motion passed unanimously 4-0.

Discussion of Prisoner Processing Area

Mr. Walker expressed his concern about the terms prisoner processing vs. temporary hold. He asked if it was necessary to have section 900.2.a.

Ms. Hamilton joined the meeting.

Ms. Hamilton asked if the term “prisoner” is appropriate. Alternatives include detainee, or in-custody. Staff will return with language that is consistent and explain any places where the language is not consistent.

900.3.1 – Mr. Walker expressed concern that the language related to lesbian, gay, bisexual or transgender was struck and requested that it be reinserted.

900.4 – header should be changed to eliminate temporary holding facility.

900.1.5 – Facilities Definitions - Why are definitions struck, and not amended? Staff will review to determine whether revised language is needed.

900.2.a-c –Facility manager is struck, and then referred to in (c). Staff will correct.

900.3.4 – Language should be added to allow male to enter if there's an emergency. Should the reciprocal be true, female shouldn't enter male cell? Staff will address these issues.

900.5 – Should carbon monoxide be also monitored? Staff will be prepared to respond.

900.7.1 With VOIP, are long distance calls collect? If not, clarify language.

Will VAC is managing the phone (system running the jail phones). Staff will respond.

900.7.1 Should the paragraph beginning "Calls between" include only the exemptions listed, or are there others? Also is the Department committing that under no circumstance the calls will not be monitored? Clarification is sought for what constitutes an "appointed government official".

900.9.1 – Should drugs or medication be allowed? Should language be added on how medically necessary medicine be addressed? Staff will respond.

900.9.2 – Showing bar card – what if it's used as a technicality to prevent an attorney from seeing their client?

What is the security available for an attorney to interview? Where will those interviews be?

Property and Evidence

Currently, defense attorneys cannot view evidence without prosecutors or DA. Could that be changed? Staff will review.

Community Dialogue

Ms. Frisch again asked for other ways for the community to get more involved in the public process.

The meeting adjourned at 7:00.

Notes taken by Carter Hawley

POLICY

324

**EFFECTIVE
DATE**

Draft 091911

Eugene Police Department



PSRC TRACK

Temporary Custody of Juveniles

324.1 PURPOSE AND SCOPE

This policy provides guidelines and requirements for the detention and disposition of juveniles taken into temporary custody by members of the Eugene Police Department.

324.1.1 JUVENILE DELINQUENCY AND DEPENDENCY

Officers may take custody of juvenile offenders by two methods:

- Protective custody (ORS 419B.150 through ORS 419B.175)
- Delinquency custody (ORS 419C.080 et seq.)

324.2 AUTHORITY TO TAKE CUSTODY OF JUVENILES

(a) An officer is authorized to take a juvenile into custody under the following circumstances:

- When a child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare (ORS 419B.150(1)(a))
- When there is a court order directing a child be taken into protective custody (ORS 419B.150(1)(b))
- When it reasonably appears that the child has run away from home (ORS 419B.150(1)(c))
- When it reasonably appears the juvenile is a fugitive from another state (ORS 419C.145(1)(a))
- When there is a court order directing a youth be taken into custody (ORS 419C.080(1)(b))
- When, if the youth were an adult, the youth could be arrested without a warrant (ORS 419C.080(1)(a))

(b) An officer shall take a youth into custody when the officer has probable cause to believe the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or a destructive device in violation of ORS 166.250, 166.370, or 166.382 (ORS 419C.080(3)).

(c) Protective custody will not be deemed an arrest so far as the child is concerned and an officer taking a child into protective custody has all the privileges and immunities of an officer making an arrest (ORS 419B.155)

324.2.1 CONSTITUTIONAL RIGHTS ADVISEMENT

In any case where a youth is taken into temporary custody based upon delinquency, the youth should be promptly advised of his/her rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended.

324.2.2 DISCIPLINE OF JUVENILES

Police personnel are prohibited from administering to any juvenile for the purposes of discipline or punishment any infliction of or threat of physical injury or pain, deliberate humiliation, physical restraint, withholding of meals, isolation, or detention under conditions which violate the provisions of ORS 169.750, subsections (2) to (8), ORS 169.076 (7) to (11), (13), or (14), or ORS 169.740.

324.2.3 CITATIONS IN LIEU OF CUSTODY

(a) In lieu of taking a youth into custody for an act that would constitute an offense if committed by an adult, an officer may issue a citation for the same offenses and under the same circumstances that a citation may be issued to an adult (ORS 419C.085).

(b) If cited, youths will be cited into Juvenile Court unless the violation is a motor vehicle, game, boating or misdemeanor property offense, and the Juvenile Court has waived jurisdiction to adult court (ORS 419C.370(1)). Eugene Municipal Court will hear all juvenile citations involving a motor vehicle, bicycling, skateboarding, or pedestrian law which is not a felony.

324.3 TEMPORARY CUSTODY

(a) Unless otherwise authorized by ORS 419C.130(1), a juvenile may not be detained at any time in a police station, jail, prison or any other place where adults are detained, except that a juvenile may be detained in the police station for up to five (5) hours when necessary to obtain the juvenile's name, age, residence, and other identifying information (ORS 419B.160).

(b) As soon as practical after a juvenile is taken into custody, the officer will notify the juvenile's parents, guardian, or other responsible person. The person notified will be informed of the reason the juvenile was taken into custody, the location where s/he is being temporarily detained, and the intended disposition (ORS 419B.160 and 419C.097).

324.3.1 TEMPORARY CUSTODY REQUIREMENTS

All juveniles held in temporary custody will have the following made available to them:

- (a) Access to toilets and washing facilities.
- (b) One snack upon request during the term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack will be provided by the arresting officer, the person supervising the juvenile's custody, or as directed by a supervisor.
- (c) Access to drinking water.
- (d) Privacy during visits with family, guardian, or lawyer.
- (e) The opportunity to make at least two telephone calls within one hour of being taken into temporary custody. The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney.

324.3.2 NON-CONTACT REQUIREMENTS

There will be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners.

324.4 SECURE CUSTODY

The Department has detention rooms which are designed for the temporary detention persons in custody, including juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms will comply with the following:

- (a) It is the officer's responsibility to notify the Watch Commander, desk personnel, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last, and that it may not exceed a total of five hours.
- (b) Any juvenile placed in a locked detention room will be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander will be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
- (c) A written record will be maintained on a detention log located in the Watch Commander's office. This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.
- (d) It is the responsibility of a detective (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When a detective is not available, the Watch Commander, or his/her designee, will be responsible for monitoring the detention of the juvenile, and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Watch Commander will be notified in all cases when a juvenile is detained at this department, and when applicable, will be provided the name of the detective taking responsibility for the detention and processing of the juvenile.
- (e) A thorough inspection of the detention room will be conducted before placing a juvenile into the room. A second inspection will be conducted after removing the juvenile. Any damage noted to the room will be photographed and documented in the crime report.

324.4.1 JUVENILE'S PERSONAL PROPERTY

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. All items likely to cause injury to the juvenile or the facility will be confiscated and placed in a property bag. The property will be inventoried in the juvenile's presence and sealed into the bag. The property will be maintained by the responsible detective or the desk personnel or locked in a secure location until the juvenile is released from the custody of the Department.

324.4.2 MONITORING OF JUVENILES

The juvenile will constantly be monitored by the audio/video system during the entire detention. An in-person visual inspection will be done to ensure the welfare of the juvenile and will be conducted at least once each half-hour, on an unscheduled basis, until the juvenile is released. This inspection will not be replaced by video monitoring. This inspection will be conducted by a designee of the Watch Commander, and the visual inspection will be logged on the Inspection Log in the Watch Commander's office.

If juveniles are detained at any location other than a temporary holding facility they will remain in the presence of officers, or under continuous observation by officers or other members of the department during the entire period of detention. Juveniles will not be locked in a room by themselves.

More frequent visual inspections should be made as circumstances dictate as in the case of an injured or ill juvenile being detained, or if specific circumstances exist such as a disciplinary problem or suicide risk. In such instances the Watch Commander will be fully informed about the special circumstances in order to evaluate continued detention of such a juvenile. Juvenile Security Report Logs and Confinements of Juvenile Logs will be turned into the Records Manager or his/her designee at the end of each month.

324.4.3 RELEASE OF A JUVENILE TAKEN INTO CUSTODY

The person taking the child into custody will release the child to the custody of the child's parents, guardians or other responsible person, except in the following cases (ORS 419B.165(1)(2)):

- (a) Where there is a court order or an arrest warrant directing that the juvenile be taken into custody.
- (b) Where the person taking the child into custody has probable cause to believe that the welfare of the child or others may be immediately endangered by the release of the child.
- (c) When the officer taking the youth into custody has probable cause to believe that the youth, while in or on a public building or court facility within the last 120 days, possessed a firearm or destructive device.
- (d) When a child is taken into protective custody as a runaway the officer will release the child without unnecessary delay to the custody of the child's parents or guardian or to a shelter facility designated by Child Welfare.
- (e) Where a child residing in some other county is taken into protective custody the child may be released to the child's parents or some other responsible person or delivered to an officer or juvenile counselor in the county for which the child resides if delivery can be made without unnecessary delay.
- (f) If after consulting with a child's parents or guardian it reasonably appears that a child taken into custody as a runaway would not willingly remain at home and the best interest of the child are better served if placed in a shelter, the child may be placed in a shelter designated by Child Welfare (ORS 419B150(3)(b)).

324.4.4 PROCEDURE WHEN THE CHILD IS NOT RELEASED FROM PROTECTIVE CUSTODY

A child that is not released to the child's parent, guardian, or other responsible adult, will be transported to an approved shelter designated by Child Welfare and lodged. If no approved shelter care facility is available, the juvenile may be transported to the county detention facility and lodged pending further action by the juvenile court.

324.4.5 PROCEDURE WHEN YOUTH IS NOT RELEASED FROM DELINQUENCY CUSTODY

(a) If a youth is not released to the parent, guardian or other responsible person and the Juvenile Court has not instructed the youth to be released to a person authorized by the court to effect disposition of the youth, then the officer will take the youth to the county juvenile detention facility to be lodged pending further determination by the Juvenile Court.

(b) A youth who is 16 years of age or older, and who has been waived to Circuit or Municipal Court may be detained in jail or other places where adults are detained (ORS 419C.130).

(c) No youth under 12 years of age will be placed in detention except pursuant to judicial review and written findings describing why it is in the best interest of the youth to be placed in detention (ORS 419C.133). Absent such a review and findings, a youth under 12 years of age who cannot be released to a parent or guardian, should be placed in a shelter designated by Child Welfare.

(d) If a parent, guardian or other person responsible for the youth cannot be found or will not take responsibility for the youth and no appropriate shelter care or space is available and the youth cannot be released safely on recognizance or conditionally, a youth who is accused of an act which would be a crime if committed by an adult may be detained for a period of time not to exceed 36 hours from the time the youth is first taken into custody to allow the juvenile department, counselor or other person designated by the Juvenile Court to develop a release plan to ensure the youth's safety and appearance in court (ORS 419C.136).

324.4.6 REPORT REQUIRED WHEN A JUVENILE IS TAKEN INTO CUSTODY

Whenever a juvenile is taken into custody, the officer will prepare a written custody report including, at minimum, the following information:

- (a) The juvenile's name, age and address.
- (b) The name and address of the person having legal or physical custody of the juvenile.
- (c) Reasons for, and circumstances under which, the juvenile was taken into custody.
- (d) Efforts taken to notify and release the juvenile to his/her parent, guardian or other person having legal responsibility.
- (e) The date, time, location and to whom the juvenile was released.
- (f) If the juvenile was not released, the reasons why.
- (g) If the youth was not released, the shelter or place of detention of the youth.
- (h) The office will route a copy of the report to the Juvenile Court and the District Attorney.

324.5 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Officers of this department will not divulge any information regarding juveniles in situations where they are uncertain of the legal authority to do so.

324.6 ADDITIONAL CONSIDERATIONS PERTAINING TO JUVENILES

324.6.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

When emergency medical attention is required for a juvenile who is either in secure or non-secure custody, the paramedics will be called. The Watch Commander will be notified of the need for medical attention for the juvenile.

In cases where injury or illness is life threatening and where lost minutes may be the deciding factor, the arresting officer or the discovering officer should administer first aid prior to the arrival of the paramedics. The juvenile will then be transported to a medical facility.

In the event of a serious illness, suicide attempt, injury or death of a juvenile, the following persons will be notified as soon as possible:

- The Juvenile Court
- The parent, guardian, or person standing in the place of a parent for the juvenile

324.6.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

The arresting officer should be alert to potential symptoms based upon exhibited behavior that may indicate the juvenile is a suicide risk. These symptoms may include depression, refusal to communicate, verbally threatening to kill himself/herself, or any unusual behavior which may indicate the juvenile may harm himself/herself while in custody in either secure or non-secure detention.

The detaining or transporting officer is responsible to notify the Watch Commander if he/she believes the juvenile may be a suicide risk. The Watch Commander will then arrange to contact a mental health team for evaluation, or to contact Juvenile Hall and arrange for the transfer of the juvenile, providing the juvenile meets the intake criteria. The juvenile will be under constant personal supervision until the transfer is completed.

324.6.3 USE OF RESTRAINT DEVICES

Policy Manual § 306 refers to the only authorized restraint device. It is the policy of this department that restraints will not be used for inmates retained in custody. This policy also applies to juveniles held in temporary custody. The use of a restraint is an extreme measure and only for a temporary measure pending transportation to another facility or until other custodial arrangements can be made. Restraints will only be used under the following circumstances:

- (a) When the juvenile displays bizarre behavior that results in the destruction of property or shows intent to cause physical harm to self or others.
- (b) When the juvenile is a serious and immediate danger to himself/herself or others.

(c) When the juvenile otherwise falls under the provisions of ORS 426.228.

Restraint devices include devices which immobilize a juvenile's extremities and/or prevent the juvenile from being ambulatory. Restraints will only be used after less restrictive measures have failed and with the approval of the Watch Commander.

Restraints will only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

As long as the subject is restrained, direct visual observation will be constantly maintained to ensure that the restraints are properly employed, and to ensure the safety and well-being of the juvenile.

The Watch Commander will arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision will be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision will be documented in the police report.

The Watch Commander will arrange to have the juvenile evaluated by a mental health team as soon as possible if there is evidence of mental impairment. When mental impairment is suspected, constant personal visual supervision will be maintained in order to ensure that restraints are properly employed and to ensure the safety and well being of the juvenile. Such supervision will be documented in the police report.

324.6.4 DEATH OF A JUVENILE WHILE DETAINED

In the event of a juvenile's death while being detained at this department, the District Attorney's Office and the Sheriff's Office and Medical Examiner will conduct the investigation of the circumstances surrounding the death. The Support Services Division Manager or his/her designee will conduct an administrative review of the incident.

A medical and operational review will be conducted in any case in which a juvenile dies while detained at the Eugene Police Department. The review team will include the following:

- Chief of Police or his or her designee.
- The health administrator.
- The responsible physician and other health care and supervision staff who are relevant to the incident.

324.6.5 CURFEW VIOLATIONS

Officers may take a juvenile into custody for curfew violations pursuant to ORS 419C.680.

324.7 JUVENILE CONTACTS AT SCHOOL FACILITIES

Absent exigent circumstances, officers will notify responsible school officials prior to contacting a student on campus while school is in session.

(a) Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.

(b) Whenever circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:

1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented.

2. If efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted, a formal interview with the juvenile may proceed without them. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent.

3. If contacted, the selected parent, other responsible adult, or school official may be permitted to be present during any interview.

[a] An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult, who in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.

[b] If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

(c) Any juvenile student who is a suspected victim of child abuse will be afforded the option of being interviewed in private or selecting any qualified available adult member of school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such staff member will not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship.

Absent exigent circumstances or authority of a court order, officers should not involuntarily detain a juvenile who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian. In all such cases officers should adhere to guidelines and requirements set forth in Policy 330 Child Abuse Reporting.

324.8 INTOXICATED AND SUBSTANCE-ABUSING MINORS

Juveniles who are arrested while intoxicated may be at risk for serious medical consequences, including death. Examples include acute alcohol poisoning, seizures and cardiac complications of cocaine, markedly disordered behavior related to amphetamines or hallucinogenic drugs, and others.

A medical clearance will be obtained prior to detention of juveniles at the Eugene Police Department when the juvenile displays outward signs of intoxication or is known or suspected to have ingested any substance that could result in a medical emergency. In addition to displaying outward signs of intoxication, the following circumstances require a medical evaluation:

- Known history of ingestion or sequestration of a balloon containing drugs in a body cavity
- Minor is known or suspected to have ingested any substance that could result in a medical emergency
- A juvenile who is intoxicated to the level of being unable to care for him or herself

- An intoxicated juvenile whose symptoms of intoxication are not showing signs of improvement

Juveniles with lower levels of alcohol in their system may not need to be evaluated. An example is a juvenile who has ingested one or two beers would not normally meet this criterion.

- (a) A juvenile detained and brought to the Eugene Police Department who displays symptoms of intoxication as a result of alcohol or drugs will be handled as follows:
 1. Observation of juvenile's breathing to determine that breathing is regular. Breathing should not be erratic or indicate that the juvenile is having difficulty breathing.
 2. Observation of the juvenile to ensure that there has not been any vomiting while sleeping and ensuring that intoxicated juveniles remain on their sides rather than their backs to prevent the aspiration of stomach contents.
 3. An arousal attempt to ensure that the juvenile will respond to verbal or pressure stimulation (shaking to awaken). This is the most important monitoring procedure.
- (b) Personal observation will be conducted on a frequent basis while the juvenile is in the custody of the Eugene Police Department, and no less than once every 15 minutes until such time as the symptoms are no longer present. For juveniles held in secure detention inside a locked enclosure, officers will ensure constant audio monitoring is maintained in addition to conducting the in-person visual checks. All other forms of detention require the officer to maintain constant visual supervision of the juvenile. The 15 minute checks of the juvenile will be documented on the Juvenile Detention Log in the Watch Commander's office.
- (c) Any juvenile who displays symptoms suggestive of a deepening comatose state (increasing difficulty or inability to arouse, irregular breathing patterns, or convulsions), will be considered an emergency. Paramedics should be called and the juvenile taken to a medical treatment facility.
- (d) Juveniles undergoing acute withdrawal reactions will immediately be transported to a medical facility for examination by a physician.
- (e) A medical clearance is required before the juvenile is transported to Juvenile Hall if it is known that the juvenile ingested any intoxicating substances or appears to be under the severe influence of alcohol.

Once the juvenile no longer displays symptoms of intoxication, the requirements in section (a) above will no longer be required. The juvenile will still be monitored on a 30-minute basis as outlined in this policy. The juvenile will continue to be monitored as required for secure or non-secure detentions.

POLICY

900

**EFFECTIVE
DATE**Draft
05/29/2012**Eugene
Police Department****PSRC DRAFT POLICY****Prisoner Processing Area****900.1 PURPOSE AND SCOPE**

The Eugene Police Department shall maintain a Prisoner Processing Area Policy and Procedures Manual that consists of this Policy 900 and incorporates the following Policy Manual sections:

- Policy Manual 300 Use of Force
- Policy Manual 306 Leg Restraint Device
- Policy Manual 308 Control Devices and Techniques
- Policy Manual 324 Temporary Custody of Juveniles
- Policy Manual 418 Mental Illness Commitments
- Policy Manual 420 Cite and Release Policy
- Policy Manual 422 Arrest and Detention of Foreign Nationals
- Policy Manual 428 Immigration Violations
- Policy Manual 514 Drunk Driving Evidence and Collection
- Policy Manual 902 Search Procedures for Arrestees
- Policy Manual 1016 Communicable Diseases

The Department shall maintain the custody of prisoners in accordance with this policy and the Procedures Manual and in accordance with Oregon Revised Statutes Chapter 169 and the laws as established by the State of Oregon, Board of Corrections.

The purpose of the Prisoner Processing Area Policy and Procedures Manual is to establish policies and procedures in the booking, housing, security and release of prisoners at all Eugene Police Department's Prisoner Processing Areas. The Eugene Police Department has a zero tolerance for all forms of sexual contact or sexual abuse, either prisoner-to-prisoner or employee-to-prisoner.

900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Prisoner Processing Area unless there is a designated employee who remains within the police building who can supervise the Prisoner Processing Area and respond to emergencies within the Prisoner Processing Area. This is generally the arresting officer, but if their duties will prevent them from supervising the prisoner, they will report this condition to a supervisor who will ensure someone is appointed.

900.1.2 DETENTION OF PRISONERS IN THE PRISONER PROCESSING AREA

It is the policy of the Eugene Police Department that prisoners detained in the Prisoner Processing Area shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

900.1.3 NON-DETAINABLE PRISONERS

Non-detainable prisoners are arrestees who fall within the following classifications and should not be detained in the Prisoner Processing Area. Each person falling into one of the following categories should be transported to the County Jail, the designated medical facility or County Mental Health:

- (a) Any person who is sick or injured requiring medical attention.
- (b) Any person with a medical condition, including pregnant females who may require medical attention, supervision or medication during confinement.
- (c) Any person who has claimed, or is known to be afflicted with, or displays symptoms of any communicable disease and the arresting officer has a reasonable belief (i.e. spitting or bleeding) that the prisoner may contaminate the Prisoner Processing Area.
- (d) Any person suffering from a severe mental disorder. Refer to Policy 418, which is incorporated as a part of this manual.
- (e) Any combative or unruly person who may most likely cause damage to the facility or severely disrupt the good order of the Prisoner Processing Area.
- (f) A prisoner who is or may be contemplating suicide.
- (g) Any person suspected of being under the influence of a hallucinogen, hyperglycemic agent, psychotropic medication, narcotics, sedatives, tranquilizers, anti-neoplastic (cancer) drugs, research medication or any person suffering from withdrawals of the above.
- (h) Any person who is intoxicated to the extent that they are unable to care for themselves. If there are investigative reasons to hold a prisoner in this condition in the Prisoner Processing Area they must receive a medical clearance by a physician or EMT before being lodged.

900.1.4 DETAINABLE PRISONERS

Prisoners who fall within the following classifications may be detained in the Eugene Police Department Prisoner Processing Area with the approval of the Watch Commander. Detainable prisoners include prisoners arrested and detained pending:

- (a) Posting of bail (surety release under Oregon Revised Statutes 135.265).

- (b) Release on Own Recognizance (Oregon Revised Statutes 135.245(3).
- (c) Citation release per Policy 420.
- (d) Transportation to the County Jail.
- (e) In custody interview or other investigation.

900.1.5 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Prisoner Processing Area to another facility by a member of this department the transporting officer shall be responsible for the following:

- (a) Verify the identity of each prisoner to be transported matches the booking paperwork.
- (b) Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.
- (c) Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the next facility.

900.1.6 PRISONERS WITH ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, persons who are detained in the Prisoner Processing Area shall be permitted to retain possession of an orthopedic or prosthetic appliance if it is prescribed or recommended and fitted by a physician. However, if the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance shall be removed from the prisoner and secured for safekeeping but shall be promptly returned if it is later determined that such risk no longer exists or when the prisoner is released. If the prisoner is to be transported to jail, the appliance will be given to the receiving jail staff upon booking and the security concerns relayed.

If the appliance is seized as evidence, and the prisoner is going to be released, they should be advised to seek medical advice within the next 24 hours and be given the number to the Risk Management Office if the physician has health and safety concerns.

Whenever a prosthetic or orthopedic appliance is removed from a prisoner the Watch

Commander shall be promptly apprised of the reason for the removal. The Watch Commander will evaluate the decision to remove the device and take appropriate action.

900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Prisoner Processing Area operations have been established:

- (a) The Chief of Police shall be the facility administrator officially charged, by law, with the administration of the Prisoner Processing Area.
- (b) The Operations Division Administrative Lieutenant is the Prisoner Processing Area Manager and will have the responsibility for planning, managing, administrative functions, review of the facility manual and the operations of the Prisoner Processing Area for all local, state and federal standards relating to such facilities.
- (c) The Watch Commander has functional responsibility for the Prisoner Processing Area. Any supervisor may provide assistance as needed.

900.3 PRISONER SUPERVISION AND CLASSIFICATION

900.3.1 SUPERVISION OF PRISONERS

Personal inspections of each confined person are to be made **hourly** (Oregon Revised Statutes 169.077).

Those individuals appearing under the influence of intoxicants will be checked every **30 minutes**.

If any employee observes any physical or behavioral characteristics of a prisoner that suggest that he or she is vulnerable to sexual abuse, a higher standard of monitoring should be considered, up to constant physical monitoring. Examples of vulnerable prisoners include, but are not limited to: juveniles, women, gay, lesbian, bisexual, transgender, mental or persons with physical disabilities or injuries causing weakness, intoxicated persons.

Comment [FTA1]: Wording returned

900.3.2 LOG ENTRIES AND SECURITY CHECKS

(a) All bookings should be logged into the Prisoner Processing Area Log. The following information will be transmitted via Service Chanel (2) radio or telephone to the Communications Center where a new CAD entry will be completed and maintained for the duration of the custody:

1. Case number
2. Date/time of booking

3. Charges
4. Arrestee's name
5. Arresting officer's name
6. Date and time of release

(b) The Watch Commander should make periodic checks to ensure the log and security checks are made on time.

(c) The Facility Manager should review all Prisoner Processing Area Logs and shall report to the Facility Administrator as required.

(d) All logs and reports should be maintained by the Facility Manager for inspection by the Facility Administrator or other officials as may be required.

900.3.3 TEMPORARY DETENTION OF JUVENILES

When a member of this department takes a juvenile into custody, that juvenile must be handled in a different manner than adults. Policy 324 should be consulted regarding the policies and procedures for the temporary custody of juveniles.

All juvenile detentions will be logged per the provisions of Policy 324.

900.3.4 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present. An exception will be made during an emergency, i.e. a resistive prisoner. In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

Comment [FTA2]: Added wording 05/16/12 PSRC meet

Whenever one or more male prisoners are in custody, there shall be at least one male employee who shall be available and accessible to the male prisoner(s). Female employees are not to search or enter the cell of a male prisoner, unless another male employee is present. An exception will be made during an emergency, i.e. a resistive prisoner. In the event there is not a male employee readily available to conduct searches and hourly safety inspections, the male prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

Comment [FTA3]: Added per 05/16/12 PSRC meet

900.3.5 HANDCUFFING OF PREGNANT ARRESTEES

No arrestee who is in labor shall be handcuffed or restrained by the wrists, ankles or both unless it is reasonably necessary for the safety of the arrestee, officers or others.

900.4 PRISONER PROCESSING AREA SEARCHES

Officers may secure weapons in gun lockers provided. Officers bringing prisoners into the Prisoner Processing Area shall thoroughly search their prisoners. All arrestees brought into the Prisoner Processing Area must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is completed.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door, but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

Arrestee search procedures and policies are found in Policy Manual 902.

900.5 FIRE SAFETY AND OPERABILITY

Every Prisoner Processing Area shall be safe and secure in accordance with the State of Oregon Structural Specialty Code and Fire and Life Safety Code.

The person, designated by the facility supervisor as having responsibility for the Prisoner Processing Area should, at the beginning and end of each shift, inspect the Prisoner Processing Area to ensure:

- (a) No flammable materials are stored in the detention area
- (b) Fire extinguishers are serviceable
- (c) Cell keys are available in the Watch Commander's office for emergency use
- (d) First aid kits are readily available and completely stocked
- (e) Smoke detectors are operational
- (f) The facility is clean and appropriate parts are operable. If the cleanliness or operability of the facility is not appropriate, Facilities will be contacted to clean and/or repair the facility. Parts of the facility may be closed until this occurs, if in the judgment of the facility supervisor deficiencies pose a health or safety problem.

The Facility Manager or his/her designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years by the Facility Manager.

900.5.1 FIRE PROCEDURES

(a) In the event of a fire in the detention area the discovering employee should immediately:

1. Notify the Fire Department, Watch Commander and on duty patrol personnel simultaneously through Central Lane Communications
2. Initiate movement of all prisoners to an area of safety through the utilization of an emergency plan.
3. Begin fire suppression procedures as applicable.

(b) Responding patrol officers under the direction of the Prisoner Processing Area Supervisor should be responsible for:

1. The evacuation of prisoners
2. Obtaining medical services as needed
3. Securing prisoners in a temporary holding area
4. Arranging transportation of prisoners to the County Jail or other Temporary Holding Facility as necessary
5. Initiating an investigation concerning the origin of the fire along with filing necessary reports

(c) The Facility Manager, in coordination with the Fire Department and qualified first aid/CPR instructional personnel, shall oversee the training of all department personnel and ensure that they are familiar with:

1. The Prisoner Processing Area policy and procedures; and
2. Fire safety and evacuation plan including the use of the fire extinguisher

(d) The Fire Marshal should make annual inspections of the Prisoner Processing Area.

900.6 EVACUATION OF PRISONER PROCESSING AREA

If an evacuation of the Prisoner Processing Area becomes necessary, the following should be considered:

900.6.1 PRIMARY CONCERNS

- (a) Safety of public
- (b) Safety of department personnel
- (c) Safety of prisoners

(d) Security of prisoners

900.6.2 NOTIFICATION

- (a) Watch Commander
- (b) All available sworn personnel
- (c) Fire Department
- (d) Medical aid
- (e) Facility Manager
- (f) Facility Administrator

900.6.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Prisoner Processing Area.

900.6.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Prisoner Processing Area can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITY WIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRSAID/ PROFESSIONAL MEDICAL ATTENTION

As necessary, evacuating personnel will apply first aid to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS

The Watch Commander will ensure that any emergency evacuation of the Prisoner Processing Area is documented and that copies of those reports be forwarded to the Prisoner Processing Area Manager and Administrator.

900.7 PRISONER TELEPHONE CALLS

Every prisoner, whether adult or juvenile, detained in the Prisoner Processing Area shall be entitled to the use of a telephone.

There is no obligation for the officer to make a call on a prisoner's behalf - for example in the case of a person that is so intoxicated that he or she cannot make a call. An officer is not required to wake an intoxicated person after booking so that they may complete a call.

Prisoners should be given sufficient time on the phone to contact whomever he/she desires and to arrange for necessary items because of his/her arrest. The phone calls are not intended to be lengthy conversations and the officer may use his or judgment in determining the duration of the calls.

900.7.1 TELEPHONE CALL PROCEDURES

~~All long distance calls must be made collect, unless specifically authorized by a supervisor. Charges cannot be made to third party numbers, motels, hotels, places of business or to credit cards.~~ Prisoners may not participate in three way or conference calls. Directory assistance will be limited only by the limitations imposed by the telephone company (Oregon Administrative Rules 2911300006). If a call cannot be completed because there is no answer or a line is busy, the prisoner must hang up and try again later.

Comment [FTA4]: W/ VOIP no longer needed

As set out in Oregon Administrative Rules 2911300020, calls may be monitored for security purposes. Directly above each group of monitored telephones, a sign shall be posted stating in English and Spanish "Phone calls are subject to being monitored and recorded".

Calls between a prisoner and an attorney, court or court official, legal aid bureau or other agency providing legal services, ~~or any elected or appointed government official~~ will not be monitored. Employees will place the telephone call and verify the identity of the person called. The employee placing the call shall leave the immediate area where the call is being placed; however, the prisoner may be kept under visual supervision by staff throughout the duration of the call.

Comment [FTA5]: Lexipol wording. Per DA's Office doesn't apply to Oregon

Calls normally should not be terminated before a reasonable time limit, except when the nature of the conversation or the conduct of the inmate:

(a) Threatens or plans illegal action, or

(b) Plans activities which violated facility rules, endangers security or endangers the safety of another human being, or

(c) Disrupts the operation of the facility

900.8 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of prisoner's property to avoid discrepancies or losses.

No property belonging to a prisoner will be brought to the Prisoner Processing Area that has not been inventoried pursuant to Policy 902.

In addition, officers will remove and secure prisoner's shoes (or shoe laces), belt, necklaces or other property that can be used as a weapon, implement of escape or be used to harm themselves or others.

Any personal property belonging to the prisoner shall be placed in a property bag, and placed in the temporary property locker. The prisoner's name will be written on the bag and the bag should be sealed with evidence tape pending release upon the disposition of the prisoner.

Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and, the officer will issue the prisoner a receipt.

900.8.1 VERIFICATION OF PRISONER'S MONEY

All money belonging to the prisoner shall be counted in front of the prisoner. All money should be placed in a separate envelope and sealed. When possible, the prisoner should initial the dollar amount on the envelope. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated, but not added to the cash total. Rings and other jewelry of apparent value or small enough to be easily lost should also be sealed in an envelope. All envelopes should clearly indicate the contents on the front. The person sealing it should place his/her initials across the sealed flap. Should any money be withdrawn or added to the cash envelope, the officer making such change shall enter the amount below the original entry and initial it. The total amount of money in the envelope should always be computed and written on the outside of the envelope.

900.8.2 RELEASE OF PRISONER'S PROPERTY

Release of any prisoner's property to any person requires the recipient's signature on the appropriate form. Any request for release of property by a prisoner must be made in writing on the booking sheet.

When a prisoner is released from custody, all property will be returned to him/her and he/she will be required to sign the back of the booking sheet.

If a prisoner is released to the court or an officer of another agency, all property will be released to that officer who will be required to verify and sign for the property. The officer

transporting prisoners to court is required to obtain the receiving officer's signature on the booking form as notice of receipt of the prisoner's property.

Any alleged shortage or discrepancy shall be brought to the attention of the Watch Commander who will interview the prisoner claiming the shortage prior to his/her release. The Watch Commander shall ensure that a search for the alleged missing item(s) is complete and shall attempt to prove or disprove the claim. A written claim by the prisoner shall be requested where the discrepancy cannot be resolved.

900.9 PRISONER PROCESSING AREA PROCEDURES

900.9.1 SECURITY

(a) Officers weapons may be secured in the gun lockers outside the entrance to the Prisoner Processing Area. An exception may occur only during emergencies.

(b) Prisoner Processing Area doors are to be kept locked at all times except during routine cleaning when no prisoners are in custody or in the event of an evacuation.

(c) Cell doors are to be locked at all times when prisoners are detained in the facility.

(d) No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in that area.

(e) Restraint devices such as handcuffs, flex cuffs, Belly chains and leg restraints will be used in accordance with existing department policy.

(f) Use of the leg restraint device or other restraints will only be used upon approval of the Watch Commander and in accordance with Policy 306.

(g) All personnel shall comply with all department use of force directives, including Policy 300, incorporated herein.

(h) Prisoners should be allowed to take prescribed medications. All medications must be in the original packaging with the prisoners name on the prescription label. Medical advice should be sought if the officer has any concerns allowing a prisoner to take medications.

Comment [FTA6]: Added wording 05/16/12 PSRC meeting

900.9.2 ATTORNEYS

(a) Attorneys who need to interview a prisoner should do so inside the secure interview room located inside the Prisoner Processing Area.

(b) Both the attorney and prisoner should be searched for weapons prior to being admitted to the secure interview room and again after leaving.

(c) Attorneys must may be required to produce a current Oregon BAR card as well as other matching appropriate identification if their identity is unknown.

Comment [FTA7]: Added wording from 05/16/12 PSRC meeting.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

900.9.3 RELEASE OF PRISONERS

(a) The Prisoner Processing Area should be inspected for damage prior to the release or transportation of any prisoner.

(b) Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.

(c) Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/he may not be compelled to clean up nor may his/her release be delayed to accomplish this.

(d) Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:

1. All property not retained as evidence or contraband shall be returned to the prisoner.
2. The appropriate Prisoner Processing Area Log will be finalized by transmitting via radio the name of the prisoner and reason for the release.
3. The prisoner being released will be escorted from the Prisoner Processing Area and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.9.4 DEATH OR SERIOUS INJURY OF A PRISONER

In the event of a serious injury or death of a prisoner while in custody of this department, the Chief of Police shall be notified, via the Chain of Command. The Chief of Police will designate whom or what agency will conduct the investigation. The investigation will be launched immediately and the Prisoner Processing Area will be secured as a crime scene under the direction of the investigating authority. This investigation will be conducted as a criminal investigation, but other administrative investigations may ensue, pursuant to Policy 1020. If force had been used on the prisoner at the time of their arrest, or in the Prisoner Processing Area, the investigation will be conducted pursuant to Policy 301 and Policy 310

POLICY

804

**EFFECTIVE
DATE**

Draft 111811

Eugene Police Department



PRSC TRACK

Property and Evidence

804.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 DEFINITIONS

Property - Includes all items of evidence, items taken for safekeeping and found property.

Evidence – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

Safekeeping – Includes the following types of property:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law

Found Property – Includes property found by an employee or citizen that has no apparent evidentiary value and where the owner cannot be readily identified or contacted.

Unclaimed Property - personal property that was seized by the Eugene Police Department as evidence, abandoned property, found property or stolen property, and that has remained in the physical possession of the Eugene Police Department for a period of more than 60 days following conclusion of all criminal actions related to the seizure of the evidence, abandoned property, found property or stolen property, or conclusion of the investigation if no criminal action is filed.

804.3 PROPERTY HANDLING

Any employee who first comes in possession of any property, shall retain such property in his/her possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence. When not specifically addressed by this manual, collection and handling of all evidence and property should follow the guidelines established by the State of Oregon Physical Evidence Manual. Storage of Evidence anywhere other than PCU or authorized Temporary Property lockers is strictly prohibited.

Specific packaging instructions may be found in Appendix A of this policy.

An employee who receives items of property or evidence from PCU or from another employee shall sign the Evidence/Property Report after verifying that the items you are receiving match those you are signing for.

Employees will provide a receipt for all items of property or evidence that are received or taken from any person. If no person is present, and the property or evidence is removed from private property or a vehicle, the employee will leave a receipt prominently placed on the private property or vehicle.

Found Property: Items that are accepted by EPD as found property will normally be booked into PCU or a Temporary Property locker.

When the ownership of found property can be readily established property may be released to the owner without the need for booking.

- A report must be written if the value of the property exceeds \$100. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the item(s).
- Supervisors at common points of public contact where property is commonly turned in (for example, Records, Sub-stations) may establish appropriate practices for short term storage of property to ensure the security of the property as well as facilitate its efficient return to the rightful owner.

Found property who's estimated value is \$100 or less (ORS 98.005 Rights and Duties of Finders and Owners) will not be accepted as Found Property by EPD, unless:

- There is a reason to believe that the item is stolen
- The item(s) include identification, credit cards or other property that is readily used to commit identity theft
- The item(s) include firearms
- The item(s) include contraband that cannot or should not be readily disposed of (an example would be an unlawful knife or narcotics)

804.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. PCU has an absolute right of refusal of improperly submitted, documented, or packaged, or if any item of property poses a safety hazard. PCU will notify the submitting employee of the problem and employees are expected to respond at the earliest practical time to rectify the problem.

Only one case number can be utilized for items submitted. If additional case numbers are related to this case, they should be listed under the RC/ heading

Property may be booked in the following ways:

- (a) Submitted directly to PCU
- (b) Held in Temporary Property lockers, when:
 - There is a large amount of property requiring cataloguing that will take an extended period of time and the intent is to either return it to an owner or submit it permanently to PCU, or both.
 - Property has been checked out of PCU for use in court or investigative purposes
 - The property consists of electronic implements (such as computers or cell phones) where the intent is to have the items forensically examined. This submission must have prior approval of the Forensic Computer Examiner

Employees booking property at PCU shall observe the following guidelines:

- a) Normally, items are submitted to the compartmented central evidence locker in the main property room.
- b) The cage at PCU should be used, rather than a locker, for:
 - items too large to fit in a locker (e.g., bicycles);
 - items that are offensive, odorous, or otherwise likely to contaminate property or the environment of the PCU; or
 - items such as bedrolls, backpacks, and camping gear
- c) Wet, bloody clothing, sheets or other articles must be hung up to dry in the blood-drying room before submission to the evidence lockers
- d) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or markings.
 - Items belonging to different owners must be listed on a separate EPR or itemized per owner on the EPR
- e) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property.
- f) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
- g) Place the case number in the upper right hand corner of the package or envelope.
- h) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.
- i) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

Employees booking property into Temporary Property Lockers shall observe the following guidelines:

- a) The following items shall NOT be stored in Temporary Property Lockers:
 - Drugs
 - Hazardous materials
 - Bio-hazards
 - Flammables
 - Explosives
 - Perishables
 - Money (unless specifically authorized by a Supervisor)
- b) Items may only be stored for a MAXIMUM of 5 calendar days
- c) Complete the property form describing each item of property separately, listing all serial numbers, owner's name, finder's name, and other identifying information or makings.
 - This is not necessary if property has been checked out from PCU for court or investigative reasons. In that case, employees will update the storage location in the Evidence Tracking System.
- d) Mark each item of evidence with the booking employee's initials and the date booked using the appropriate method so as not to deface or damage the value of the property
 - This is not necessary if property has been checked out from PCU for court or investigative reasons
- e) Log the property into the Evidence Tracking System via computers and scanners located near the Temporary Property Lockers
- f) The key to the locker will be kept by the employee booking the property. The key will be retained in a locked location so that the employee can testify as to the security of the evidence contained in the locker. Employees will retain the key until the property is removed. This will allow you to re-access the property. Once the property in that case has reached final disposition (stored at PCU or Returned to Owner) the key will be left in the door.

Employees storing property in Temporary Storage Lockers, which was checked out of PCU for court or investigative purposes, shall observe the following guidelines:

- a) Items may only be stored for a MAXIMUM of 5 calendar days
- b) Supervisors may approve temporary storage for a longer period of time, such as when computers are being stored pending forensic examination
- c) Log the property storage location in the Evidence Tracking System using the computers and scanners located near the Temporary Property Lockers

Management of Temporary Storage processes:

- **Property Control Unit** will retain a Master key for the Temporary Storage lockers and will assist with administrative audits/inspections. Normally, they will not be involved in moving property from temporary storage to PCU.
- **Unit Supervisors** who receive notification that property has remained in the Temporary Storage Locker in excess of the 5 days will work with the

employee(s) to move the property to PCU or return it to owner as soon as practicable.

- **The Investigations Section Lieutenant** will receive a notification through the Evidence Tracking System of any items remaining in temporary storage for two or more weeks and will follow up with the involved employees. The Lieutenant will also conduct a periodic audit (at least once per quarter) to ensure compliance with the policies relating to temporary storage of evidence or property.

804.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs (including paraphernalia as defined by Oregon Revised Statutes 475.525(2)) shall be booked separately using a separate Property record.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker accompanied by two copies of the form for the Records Section and Detectives. The remaining copy will be detached and submitted with the case report.

804.3.3 EXPLOSIVES/HAZARDOUS SUBSTANCES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The Explosive Disposal Unit will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives. In the event of military ordnance, the closest military unit shall be notified and will be responsible for the removal of the device.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The property specialists are responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

804.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

- a) Bodily fluids such as blood or semen stains shall be air dried prior to booking and packages should be labeled with a biohazard sticker.
- b) License plates found not to be stolen or connected with a known crime, should be released directly to the Property Specialist or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.
- c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to the Property Specialist, or placed in the bicycle storage area until a Property Specialist can log the property.
- d) All cash shall be counted in the presence of a witness officer/employee and the sealed in a see-through plastic bag which will be initialed by the booking officer and

the witness. The Watch Commander shall be contacted for cash in excess of \$2,500 and PCU will be contacted or called in to directly accept the cash.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

804.3.5 COLLECTION AND PRESERVATION OF DNA EVIDENCE

Because DNA evidence can play a key role in establishing guilt or innocence it is important that such evidence be collected, handled, and preserved in a manner that will maintain its integrity for future testing. Unless impracticable to do so, officers should collect samples of all biological evidence that may reasonably be used to incriminate or exculpate any person as part of any criminal death investigation or a sex crime listed in ORS 181-594. The Property Specialist will be responsible to ensure that biological evidence is preserved in an amount and manner that is sufficient to develop a DNA profile.

Collection and preservation should follow established protocols as outlined in the Oregon Physical Evidence Manual.

804.3.6 COLLECTION AND PRESERVATION OF SAFE KITS

Under current law, victims of sexual assault may seek medical assessment and choose not to make a report to law enforcement, yet still have evidence collected and preserved. The Eugene Police Department will collect and maintain the chain of evidence for all Oregon State Police Sexual Assault Forensic Evidence Kits (SAFE Kits) and any associated evidence collected by medical facilities in this jurisdiction for victims of sexual assault, regardless of where the assault may have occurred. Victims who choose to remain anonymous and not make a report shall not be required to do so (ORS 147.397).

When a medical facility notifies this department that evidence of a sexual assault has been collected from an anonymous victim and a SAFE Kit is available, the assigned officer shall be responsible for the following:

- a) Respond promptly to the medical facility to retrieve the evidence.
- b) Provide the case number to a responsible representative of the medical facility, which will be provided to the victim. The case number will be used to identify all associated evidence so that a chain of evidence can be maintained in the event the victim later decides to report the assault.
- c) Ensure that no identifying information regarding the victim, other than the case number, is visible on the evidence packaging.
- d) Prepare and submit an EPR and book the evidence in accordance with current evidence procedures.

SAFE Kits collected for victims whose identity is not disclosed should be maintained in the same manner as other SAFE Kits, but should not be opened until or unless the victim reports the assault. Opening SAFE Kits may compromise the admissibility of evidence in the event of a prosecution.

Where the identity the sexual assault victim is not disclosed, a SAFE Kit and related evidence should be retained for 25 years, unless directed otherwise by an Investigations

Division Supervisor. However, in all cases such evidence shall be retained for a minimum of 180 days (ORS 147.397).

804.3.7 RETENTION OF BIOLOGICAL EVIDENCE

The Property Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

- a) The defendant
- b) The defendant's attorney
- c) The appropriate prosecutor
- d) Any sexual assault victim
- e) The Investigation Division Supervisor.

Biological evidence shall be retained for a minimum period established by law (Ch. 275, Oregon Laws 2011), the Property Supervisor or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 90 days of the date of notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forward to the Investigation Division Supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief and the head of the applicable prosecutor's office.

804.4 PACKAGING OF PROPERTY (see also Appendix A)

Certain items require special consideration and shall be booked separately as follows:

- a) Narcotics and dangerous drugs
- b) Firearms (ensure they are unloaded and booked separately from ammunition). A flex cuff or similar device should be inserted through the chamber, barrel, or cylinder whenever possible.
- c) Property with more than one known owner
- d) Paraphernalia as described in Oregon Revised Statutes 475.525(2)
- e) Fireworks and other hazardous materials
- f) Contraband

804.4.1 PACKAGING CONTAINER

Employees shall package all property in a suitable container available for its size. Knife boxes should be used to package knives. All packages containing evidence must be sealed with evidence tape, initialed, and dated across the seal.

Needles or syringes will normally be disposed of in a sharps container and will not be submitted to the Property Room however when required for evidence in a serious crime or in a major investigation, a syringe tube should be used for packaging.

A property tag shall be securely attached to the outside of all items or groups of items packaged together.

804.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.

804.5 RECORDING OF PROPERTY

The Property Specialist receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the EPR.

A property number shall be obtained for each item or group of items upon booking the property into the Evidence Tracking System. This number shall be recorded on the property tag and the EPR.

Any changes in the location of property held by the Eugene Police Department shall be noted on the EPR and logged into the Evidence Tracking System.

804.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the EPR shall be completed to maintain the chain of possession. No evidence is to be released without first receiving written authorization from the assigned investigator, officer, or his/her supervisor.

Request for analysis for items other than narcotics or drugs shall be completed on the appropriate forms and submitted to the Property Specialist. This request may be filled out any time after the booking of property or evidence.

804.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY OR COURT

The transporting employee will check the evidence out of property, indicating the date and time on the EPR and, in the case of laboratory transmittal the request for laboratory analysis. The Property Specialist releasing the evidence must complete the required information on the EPR and Evidence Tracking System.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Section for filing with the case.

When transporting evidence to court, an Evidence Transfer Form will accompany the evidence when checked out of PCU. Upon transferring custody of the evidence, the

officer will clearly write the name of the individual accepting custody (for example the Deputy DA) and obtain a signature on the Evidence Transfer Form. That form will be returned to PCU as soon as practical for inclusion with existing EPR's for that evidence.

804.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted on the EPR, stating the date, time, and to whom released.

The Property Specialist shall obtain the signature of the person to whom property is released, and the reason for the release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded on the EPR, indicating date, time, and the person who returned the property.

804.5.4 RELEASE OF PROPERTY

Property may be released to a verified owner at the discretion of the Property Specialist without further authorization. A Property Specialist shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the EPR. After release of all property entered on the EPR, the EPR shall be forwarded to the Records Section for filing with the case. If some items of property have not been released the EPR will remain with the PCU. Upon release, the proper entry shall be documented in the EPR.

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation. Property not claimed within 30 days after notification of owner of its availability for release will be auctioned, destroyed, or disposed of in accordance with these procedures and existing law.

Unless the owner is known, found property and property held for safekeeping will be held for at least 90 days.

804.5.5 RELEASE OF EVIDENCE

Evidence may only be released with the authorization of the DA's office and the officer or detective assigned to the case.

Once a case has been adjudicated or passed the statute of limitations for prosecution, a Property Specialist will request a disposition authorization from the DA's office and the assigned officer or detective. Care should be taken to ensure there are no outstanding warrants for suspects or additional defendants for the same case prior to authorizing release.

Release of evidence shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the assigned officer or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Once evidence has been authorized for release and is no longer needed

for any pending criminal cases, it shall be considered property and released or disposed of in accordance with those procedures.

804.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Eugene Police Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Eugene Police Department may wish to file an interpleader to resolve the disputed claim (Oregon Rules of Civil Procedure § 31).

804.5.7 CONTROL OF NARCOTICS & DANGEROUS DRUGS

The Property Control Unit will be responsible for the storage, control, and destruction of all narcotics and dangerous drugs coming into the custody of this department.

804.6 DISPOSITION OF PROPERTY

The Property Control Unit Supervisor is responsible for the development, maintenance and review of PCU procedures relating to the disposition of property. These procedures will include procedures regarding the safekeeping, processing and processing for procuring unclaimed property for use by the Department or the City. These procedures will provide for the protection of the property, employees handling the property, the Department and the City until such time as the property is returned to a rightful owner, procured or sold.

All property not held for evidence in a pending criminal investigation or proceeding, and held for 90 days or longer (60 days or more, plus 30 days after notice), where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Specialist shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective. Oregon Revised Statutes 98.245 and 98.336 govern the disposition of property held by law enforcement agencies.

Disposition of unclaimed property may consist of:

- a) Destruction
- b) Sale at public auction
- c) Procurement (Retention for public use)

804.7 PROPERTY ROOM SECURITY

Access to the Property Room is limited to Property Specialists unless visitors are logged in and out, including the time, date and purpose of entry. All personnel entering the Property Room must be accompanied at all times by a Property Specialist.

Annual independent audits will be completed of the Property Room function with an audit report to the Chief of Police.

804.8 INSPECTIONS OF THE EVIDENCE ROOM

- a) On a monthly basis, the supervisor of the evidence custodian shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
- b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.
- c) An annual audit of evidence held by the department shall be conducted by a Division Manager appointed by the Chief of Police who is not routinely or directly connected with evidence control.
- d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.