

Inmate Reception

502.1 PURPOSE AND SCOPE

The Weld County Sheriff's Office has a legal and methodical process for the reception of arrestees into this facility. This policy establishes guidelines for security needs, the classification process, identification of medical/mental health issues and the seizure and storage of personal property.

502.2 POLICY

This office shall use the following standardized policies when receiving arrestees to be booked into this facility. This is to ensure security within the facility and that arrestees are properly booked and afforded their applicable rights.

502.3 PRE-BOOKING SCREENING

All individuals shall be screened prior to booking to ensure each individual is physically acceptable for admission and that all arrest or commitment paperwork is present (see the Inmate Screening and Evaluations Policy). Required paperwork includes, as applicable:

- (a) Arrest reports
- (b) Probable cause declarations
- (c) Warrants or court orders
- (d) Victim notification information
- (e) Documentation of needs related to religious practices, such as diet, clothing, and appearance (see the Religious Programs Policy)
- (f) Accommodation requests related to disabilities (see the Inmates with Disabilities Policy)
- (g) Information regarding suicidal statements or actions, or assessments of suicide risk
- (h) Medical and mental health records

Any discrepancies in required paperwork should be resolved or missing documentation located before accepting the individual for booking from the arresting or transporting deputy.

Prior to accepting custody of an individual who claims to have been arrested due to a mistake of identity or an individual who claims that identity theft led to the issuance of a warrant in the individual's name, members shall make reasonable efforts to investigate the claim of identity fraud or mistake. Members shall notify a supervisor when an individual makes a claim of mistaken identity or identity fraud.

502.3.1 IMMIGRATION DETAINERS

No individual shall be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the detainer is accompanied by a warrant issued by a judge directing that the individual be arrested (CRS § 24-76.6-102). Notification to the federal authority issuing the detainer should be made before the release.

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502.3.2 MUNICIPAL COURT HOLDS

During the booking process, the booking deputy shall verify whether the arrestee has any municipal court holds. If an active hold is found, notifications shall be as follows:

- (a) If the arrestee does not receive a personal recognizance bond on the arresting charge, notification must be made to the applicable municipal court as soon as practicable.
- (b) If the sole basis of the arrestee's detention is the municipal court hold, notification must be made within four hours.

The Shift Sergeant or the authorized designee shall ensure that the arrestee is available for a hearing before a municipal judge in accordance with CRS § 13-10-111.5. Transportation of offenders in custody for violation of a municipal ordinance is the sole responsibility of the municipality. Municipal video court appearance options are only available for municipalities that have signed an agreement for municipal jail services with the Weld County Sheriff's Office.

Arrestees will be released pursuant to any standing orders issued by the municipal court (CRS § 13-10-111.5).

502.3.3 IMMIGRATION AND CUSTOMS ENFORCEMENT NOTIFICATION

When an inmate is serving a MITT with a schedule release date, and ICE has filed a federal criminal charge, transportation will be coordinated to occur when the MITT ends.

When a pre-trial defendant is booked in and ICE has filed a federal criminal charge, transportation will be coordinated to occur when all state/county charges are resolved.

When the Weld County Sheriff's Office is notified that an individual has a civil immigration detainer pursuant to 8 CFR 287.7, ICE will be notified of the individual's pending release 48 hours prior to a known release date or when all state/county charges are resolved. The Weld County Jail will not hold an individual beyond the time when they are eligible for release from custody because of a civil immigration detainer.

502.3.4 SERVICING DEPARTMENT OF HOMELAND SECURITY WARRANT

An ICE Charge may only be entered when a Booking Technician receives the following three properly serviced documents:

- (a) Immigration Detainer-Notice of Action (I-247A)
- (b) A Warrant for Arrest of Alien (I-200) **OR** Warrant of Removal/Deportation (I-205) which have been **personally served by an Immigration Officer upon the inmate**.
- (c) WCSO Federal Bonding Information sheet WITH probable cause narrative section completed which must be reviewed by a Corporal or Sergeant.

When the Booking Technician has received all three pieces of paperwork on an inmate and when the inmate has timed served, the Booking Technician will coordinate a transport event. When the transport event has been set, the Booking Technician will notify the ICE Supervisor via telephone.

502.3.5 IMMIGRATION INQUIRIES

Deputies shall not, except as required by state or federal law:

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- (a) Provide personal identifying information that is not publicly available to federal immigration officials for the purposes of federal civil immigration enforcement (CRS § 24-74-103).
- (b) Inquire into or request information or documents to determine a person's immigration status (CRS § 24-74-104).
- (c) Collect information about a person's place of birth, immigration or citizenship status, or information from passports, permanent resident cards, alien registration cards, or employment authorization documents (CRS § 24-74-104).

502.4 SEARCHES BEFORE ADMISSION

All arrestees and their property shall be searched for contraband by the booking deputy before being accepted for booking. All contraband items will be handled according to facility policy. Items of possible evidentiary value may be turned over to the arresting or transporting agency for processing or processed according to the facility's rules for handling evidence. Approved personal property and clothing will be accepted. Items not approved will be returned to the arresting or transporting agency prior to the arrestee being accepted for booking. A description of the items returned to or confiscated by the arresting or transporting agency, shall be documented on the arrestee's booking record.

Searches or inventory of wallets, purses and closed containers is not allowed for civil detainees or emergency commitments.

Strip searches shall be conducted in accordance with the Searches Policy.

Body scans shall be conducted in accordance with the Searches Policy.

502.5 ADMISSION PROCESS

A unique booking number shall be obtained specific to the current admission. Photographs and fingerprints shall be taken.

The admission process should include an attempt to gather a comprehensive record of each arrestee, including the following:

- Identifying information, including name and any known aliases or monikers
- Current or last known address and telephone number
- Date and time of arrest
- Date and time of admission
- Name, rank, agency and signature of the arresting deputy and transporting deputy, if different
- Health insurance information
- Legal authority for confinement, including specific charges, arrest warrant information and court of jurisdiction
- Sex

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- Age
- Date and place of birth
- Race
- Height and weight
- Occupation and current or most recent employment
- Preferred emergency contact including name, address, telephone number and relationship to inmate
- Driver license number and state where issued, state identification number or passport number
- Social Security number
- Additional information concerning special custody requirements or special needs
- Local, state and federal criminal history records
- Photographs, fingerprints and notation of any marks or physical characteristics unique to the inmate, such as scars, birthmarks, deformities or tattoos
- Medical, dental and mental health screening records, including suicide risk
- Religious preference
- Primary language
- Need for interpreter for court process
- Inventory of all personal property including clothing, jewelry and money
- A record of personal telephone calls made at the time of booking or the time the opportunity was provided to place calls if the calls were not made

Inventoried items of rare or unusual value should be brought to the attention of a supervisor. The inmate's signature should be obtained on the booking record and on any forms used to record money and property.

502.5.1 LEGAL BASIS FOR DETENTION

Arrestees admitted to the facility shall be notified of the official charge for their detention or legal basis of confinement in a language they understand.

502.5.2 RIGHT-TO-BOND REQUIREMENTS

The Sheriff or the authorized designee shall create written procedures to ensure (CRS § 16-4-102):

- (a) Arrestees are brought before a court for bond setting as soon as practicable but no later than 48 hours after arrival at the detention facility, absent extraordinary circumstances.
- (b) Appropriate notice is provided to the public defender's office and documentation is completed if extraordinary circumstances prevent a bond hearing from being held within 48 hours.

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- (c) Arrestees who are granted a bond are released as soon as practicable but no later than six hours after being returned to or being physically present in the detention facility, absent extraordinary circumstances.
- (d) Appropriate notifications to the arrestee and surety are made and documentation is completed in the event of a delay in release.
- (e) A notice of rights regarding the bond and release procedure and information regarding a complaint process are posted and distributed in accordance with CRS § 16-4-102.
- (f) The Weld County Sheriff's Office's website, signage, and written materials related to the bond and release procedure are reviewed and updated periodically.

The Sheriff shall ensure that all members having interactions with arrestees and inmates receive appropriate training on the written procedures (CRS § 16-4-102).

The Sheriff shall ensure that the initial certificate of compliance and required attachments and any required subsequent submissions are transmitted to the Division of Criminal Justice as directed by the Division (CRS § 16-4-102).

502.6 TRANSITION FROM RECEPTION TO GENERAL POPULATION

The Shift Sergeant is responsible to ensure only arrestees who qualify are placed into general population cells or housing. Those who will not be placed into general population include:

- (a) Arrestees who are eligible for release following citation.
- (b) Arrestees who are intoxicated or under the influence of any chemical substance.
- (c) Arrestees who are arranging bail. They shall be permitted a reasonable period of time, at the discretion of the Shift Sergeant, to make telephone calls before being placed in general population.

502.6.1 MONITORING FOR SIGNS OF INTOXICATION AND WITHDRAWAL

Staff shall respond promptly to medical symptoms presented by inmates to lessen the risk of a life-threatening medical emergency and to promote the safety and security of all persons in the facility.

Custody staff should remain alert to signs of drug and alcohol overdose and withdrawal, which include, but are not limited to, sweating, nausea, abdominal cramps, anxiety, agitation, tremors, hallucinations, rapid breathing and generalized aches and pains. Any staff member who suspects that an inmate may be suffering from overdose or experiencing withdrawal symptoms shall promptly notify appropriate medical staff and the supervisor.

502.6.2 INMATE SEPARATION

Inmates should be kept separate from the general population during the admission process. Newly admitted inmates should be separated according to the facility's classification plan.

502.7 INMATE PROPERTY CONTROL

All property received from inmates at the time of booking shall be sealed in property bags designated for this purpose.

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Excess personal clothing or property should be returned to the arresting or transporting agency for disposition.

502.7.1 VERIFICATION OF INMATE'S MONEY

All paper currency belonging to the inmate and retained by the booking deputy shall be verified in front of the inmate, placed in an envelope and sealed. The booking deputy and when possible, the inmate should initial the envelope. A second deputy should witness and initial if the inmate is unavailable.

Negotiable checks or other instruments and foreign currency should be sealed in the inmates small property bag with wallet, coinage and jewelry.

502.7.2 PROPERTY STORAGE

All inmate property should be stored in a designated storage area. Only authorized personnel may access inmate property and only for the purpose of depositing or retrieving property, or to conduct duly authorized work, including maintenance and other duties as directed by their supervisor.

502.8 INMATE TELEPHONE CALLS

Every inmate, whether adult or juvenile, detained in this facility shall be entitled to access the inmate telephone system as soon as practicable upon being admitted and no later than three hours after intake unless combative. Access may be of a duration that reasonably allows the inmate to make necessary arrangements for matters that he/she may be unable to complete as a result of being arrested.

There is no obligation for the custody staff to make a telephone call on an inmate's behalf or allow inmates to use agency extensions. Staff may use independent judgment and allow use of an agency extension in cases of a verified emergency after checking for any applicable protection orders.

502.8.1 TELEPHONE CALL PROCEDURES

All inmate phone access will be provided on the inmate telephone system except in the case of court proceedings or verifiable emergencies where not prohibited by an active protection order.

Calls between the inmate and his/her attorney shall be deemed confidential and shall not be monitored, eavesdropped upon or recorded.

502.8.2 ONGOING TELEPHONE ACCESS

Ongoing telephone access for inmates who are housed at this facility will be in accordance with the Inmate Telephone Access Policy.

502.9 SHOWERING AND CLOTHING EXCHANGE

Inmates should be allowed shower access as soon as practicable upon being moved to an intake unit or within 24 hours if housed in booking.

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502.10 INITIAL COURT REQUIREMENTS

The Sheriff's Office will bring in-custody arrestees before the court for bond setting as soon as practicable, but no later than 48 hours after arrival at the jail, unless emergencies that require the courts to close, or inmates that refuse or are impaired by either alcohol, drugs or mental/physical illness. At the initial hearing, arrestees have the right to be represented by an attorney. When requested, the attorney will be provided access to the inmate prior to the initial bond hearing.

502.11 BOND FEES

An inmate who has posted a bond must be released regardless of whether the inmate has paid any outstanding fee, cost, or surcharge, including bond processing fees, booking fees, pretrial supervision fees, or electronic monitoring fees.

A depositor of a cash bond who is not the inmate may deposit bond funds directly with the jail. The depositor shall not be required to pay any additional fees, costs, or surcharges other than the bond amount. Bond fees, booking fees, and other fees or debts never need to be paid to secure a person's release on money bond. A payer needs only pay the bond amount in order to secure release.

While never a basis to hold a defendant in jail, the following fees are chargeable as a debt to the defendant after release if the payer chooses not to pay the fees at the time of bonding: a \$10 bond fee and a maximum 3.5% credit card payment fee. No other bond-related fees may be charged at any time, including any kiosk fees or fees for payment by cash, check, or money order.

Before a bond is posted, the Sheriff's Office will provide the surety, if any, a copy of the legal rights related to posting bond money (HB 21-1280 2(h)(i)). When a bond is posted, the Sheriff's Office will also provide the surety and defendant, if any a copy of the bond paperwork and information regarding the defendant's next court date.

Once bonded, the inmate must be released within 4 hours. This also applies to charge-only bonds where the inmate is still being held on other charges/warrants. If an inmate is not released within 6 hours, the inmate being bonded and any person posting the bond on the inmate's behalf will be notified and will be provided with the reason for the delay.