

**CHAPTER 48**

**JAIL INMATE PROPERTY**

**48.100 PURPOSE.**

The purpose of this ordinance is to take legislative action to establish the procedure to be followed when inmates are booked/received into the Polk County Jail and the property in their possession is searched, inventoried and stored, or otherwise disposed of. The Polk County Board of Commissioners has determined that there is a serious, imminent risk to public safety associated with transporting and storing items of personal property in the possession of a person or vehicle taken into police custody when that personal property has not been inventoried. Transporting or storing un-inventoried property in Polk County vehicles or in Polk County facilities puts staff, inmates and public property at risk by allowing the intentional or unintentional introduction of personal property that contains toxic, explosive, hazardous or flammable substances, or weapons. In order to alleviate this serious threat to public safety, the Board has determined that no closed container in the possession of a person taken into custody should be transported or stored in Polk County facilities or vehicles unless it is inventoried. In order to balance the need to ensure public safety with the privacy rights of persons taken into police custody, this ordinance allows a person taken into custody to turn their property over to a third party present at the scene where they are taken into custody. For vehicles being impounded, this ordinance also allows drivers and passengers who are not being taken into custody to remove personal property from the vehicle to avoid having the property inventoried.

The Board has also determined that storage and transport of toxic, explosive, hazardous and flammable materials is a highly regulated activity under both state and federal law, and that inventory of all containers that will be stored in a County facility or transported in County vehicles is necessary to comply with these restrictions.

This legislative enactment will prevent entry of contraband into the Jail, allow staff to check inmates for body vermin, cuts, bruises, needle scars and other injuries, and to do so in a way that protects the rights of the accused persons. This policy applies to any person lodged at the Polk County Jail. It is the intent of this ordinance to limit the discretion employed by County personnel in conducting such inventories, so that a fixed and uniform procedure is followed in every case.

**48.105 POLICY.**

It shall be the policy of the Polk County Jail to receive all prisoners presented for booking in a uniform manner so as to enhance security and ensure the safety of all persons working in, or confined to, the facility. Further, all prisoners presented for booking shall be processed and interviewed for pretrial release. Prisoners that the arresting officer intends to cite in lieu of custody will remain under the constant supervision of the arresting/transporting officer.

#### 48.106 DEFINITIONS.

- (1) **CLOTHED SEARCH:** A clothed search is a systematic search of a prisoner's/inmate's clothing and body through his/her clothing. It shall be conducted in a manner that is consistent with Polk County Jail policy and procedure and established professional practices.
- (2) **CONTRABAND:** Anything which has not been issued by the facility, transferred to the inmate in an authorized manner, or sold to an inmate through the facility commissary. Also, contraband is any item that has been altered from its original use, or unauthorized surpluses of purchased or issued items. Contraband is also defined as any substance, weapon or item which Federal, State, or Local laws prohibit a person, a prisoner or inmate from processing and any item which is evidence in an alleged crime. Contraband definitions do not include those items received from the U.S. mail which are censored or withheld from delivery to inmates in accordance with the correctional facility's policy titled "INMATE MAIL" Contraband that may cause illness, injury or death may be used to facilitate an escape, may be used as intoxicant, ingredients that when combined are capable of creating intoxicants. Further, any item, or substance that is illegal to possess or use shall be considered dangerous contraband. All contraband that is not considered dangerous contraband (i.e., food items, issued items altered from its intended use) shall be considered nuisance contraband.
- (3) **PROCESSED:** The procedure by which custody documents are completed, fingerprints are taken, and the prisoner is lodged or released from the facility.
- (4) **PRETRIAL RELEASE:** The process by which prisoners are released on court ordered conditions prior to appearing as ordered by the court. The courts give authority to individuals authorized to initiate such agreements and delegate pretrial release authority.
- (5) **CITATION IN LIEU OF CUSTODY:** See ORS 133.045.
- (6) **WEAPONS:** Any firearm, baton, clubbing devices, sap, sap glove, knife, stabbing devices, chemical agent, or electronic stunning device. This definition further defines live rounds, cartridges, or charges as weapons.
- (7) **FIREARM:** A weapon from which a shot is discharged by gunpowder.
- (8) **ROUNDS, CARTRIDGES, and CHARGES:** A casing consisting of a fuse, propelling charge and primers fired from a firearm.
- (9) **INVENTORY:** Inspecting, opening any item (container, wallets, and purse) for inspection and inventory of those items.
- (10) **HAZARDOUS MATERIALS:** Substances, materials or items which pose a threat to staff, inmates or County property due to their:

- (a) Ability to rapidly conflagrate or detonate as a consequence of chemical reaction. Examples include ammunition, fireworks, pyrotechnics, flares, blasting caps, or detonators.
- (b) Flammability, potential as asphyxiants, ability to oxidize and/or their toxicity or corrosiveness to humans. Examples include but are not limited to aerosols, compressed air, gas cartridges, fertilizer, ammoniating solutions, insecticides, refrigerant gases, lighters, or acetylene.
- (c) Volatility, combustibility and potential in causing or propagating severe conflagrations. Examples include but are not limited to acetone, adhesives, paints, lacquers, alcohols, perfumes, gasoline, diesel, kerosene, tars, turpentine, pesticides, benzene, methanol, or octanes.
- (d) Ability to either to cause death or serious injury or to harm human health if swallowed, inhaled or by skin contact. This includes infectious substances which are known or can be reasonably expected to contain pathogens, such as bacteria, viruses, parasites and fungi, or other agents which can cause disease in humans or animals. Examples include but are not limited to tear gas substances, acids, arsenic, biomedical waste, medical cultures or samples, cyanide, lead compounds, mercury compounds, or chloroform.
- (e) Corrosive nature which may cause severe damage when in contact with living tissue or, in the case of leakage, damage or destroy surrounding materials. Examples include but are not limited to acids, batteries, fuel cells, dyes, formaldehyde, flux, paints, chlorides, bromine, phenol, nitric acid, sulphuric acid or iodine.

#### 48.110 PROCEDURE.

Law enforcement agencies which routinely use the jail for housing their inmates should be provided copies of directives or other information which:

- (1) Explain pre-admission procedures;
- (2) Provide requirements which must be met for the jail to admit inmates received at the jail for booking; and explain the circumstances which may prohibit booking deputies from accepting inmates in jail.

#### 48.200 RECEPTION OF PRISONERS.

- (1) Incoming arresting/transporting officers with prisoners will request admittance via the intercom pedestal outside the Vehicular Sallyport. Arresting/Transporting officers must secure their weapon(s) in their vehicle or vehicle sallyport gun locker prior to requesting admittance via the Pedestrian Door.

- (2) If the control room staff does not recognize the vehicle or officer(s) attempting to gain access to the vehicle sallyport or pedestrian entrance to the sallyport, the following procedure shall be followed:
  - (a) The control room staff shall make a reasonable attempt to determine that the person bringing the inmate to the jail is a peace officer or other authorized to book the inmate, and that the inmate is being lawfully committed to jail;
  - (b) The control room staff will notify the Intake/Release deputy of the person's name, agency, and the nature of the business at the Polk County Jail.
  - (c) The control room staff, after clearance has been obtained from the Intake/Release deputy, shall then admit the vehicle into the vehicular sallyport. If the individual is on foot and is seeking access to the Intake/Release sallyport via the pedestrian door, the individual shall be admitted when a Corrections Deputy is present to ensure the identity of the person, the agency that is represented, and the nature of their business at the Polk County Jail.
- (3) The arresting/transporting officer shall present identification upon request.
- (4) Requests for assistance by the arresting/transporting officer will be referred by the control room staff to the Intake/Release deputy. If needed, the booking deputy may request assistance from the arresting or transporting officer to remain in the booking room until the arrestee has been searched and secured.
- (5) Upon admission into the Vehicular Sallyport, the arresting/transporting officer will enter the Vehicular Sallyport, turn off the vehicle, and remove the key from the ignition.
- (6) Prisoners will not be allowed to remain in unattended vehicles parked in the Vehicular Sallyport except for short periods of time while the arresting/transporting officer secures his/her weapon(s).
- (7) The arresting/transporting officer will exit the vehicle, leaving the prisoner inside, and secure all weapons and other firearms not secured in the vehicle's gun rack or in the vehicle's trunk. The gun locker in the Vehicular Sallyport is located adjacent to the Intake/Release Sallyport door within the Vehicular Sallyport.
- (8) Arresting/transporting officers will then request entrance into the Intake/Release Sallyport by using the intercom. The arresting/transporting officer will be met in the Intake/Pat-down Sallyport by the Receiving Deputy. Each new inmate that is brought into the Polk County Jail should not be admitted unless handcuffed behind them, or restrained by other devices which achieve the same function. All new arrests will be visually observed for any signs of injury or illness prior to being accepted into the facility for processing. The booking deputy reserves the right to refuse the acceptance of the individual and instruct the arresting officer to have the detainee examined by a physician prior to acceptance. Inmates that are refused admittance into the Polk County Jail will need to have written medical clearance from a physician to be lodged in the Polk County Jail.

- (9) Once the inmate has been accepted they will be searched for any property that has been left on their person pursuant to the following requirements:
- (a) A deputy must remove all personal property from the person in custody (except clothing) including everything in the person's pockets. If practicable under the circumstances, the person in custody shall be permitted to turn over personal property to third parties so that this property will not inventoried.
  - (b) A deputy shall inspect all personal property from the person in custody. This includes opening and inspecting containers which are likely to contain cash or other small valuables. This includes any closed containers, wallets, purses or any property that will be retained by the Polk County Jail. A deputy who finds money or other valuables located in a closed container pursuant to an inspection under this subsection shall promptly inventory the valuables or money.
  - (c) A deputy shall inspect all containers which are likely to contain hazardous materials. Any items found to be unacceptable, to be hazardous materials (drugs, alcohol, live ammunition, weapons, explosive devices) or items otherwise considered contraband will be turned over to the arresting officer or otherwise disposed of. The express purpose of this requirement is to ensure that toxic, explosive, hazardous or flammable substances are identified and safely handled and do not put the public, staff, inmates or public property at risk.
  - (d) A receipt will be issued for any property taken by the arresting officer and a receipt will be issued for all property that will be retained at the Polk County Jail. Contraband found after the arresting officer leaves will be secured and the arresting agency will be notified and requested to collect the contraband item(s).
  - (e) The inmate will be asked to sign the jail property receipt. If an inmate refuses to sign the property sheet, the booking deputy will write "Refused" in the inmates signature block and have another jail deputy sign as a witness along with the booking deputy.
  - (f) All small property items will be placed into a plastic bag, which will be sealed and placed into a large property bag along with the remaining property, which is numbered and logged into the computerized booking system. This property will be secured in the jail property room for safekeeping until the inmates' release.
- (10) If the prisoner is uncooperative or violent during the initial search or a more intrusive search is required because of reasonable suspicion of weapons, drugs, other contraband, or medical related conditions, the arrestee will be taken directly to the changeover room for an unclothed search to be completed by a deputy of the same gender. All property will be removed prior to the handcuffs being removed.
- (11) Once the prisoner has been received into the Intake/Release Unit with a valid and accurate booking report from the arresting officer, the handcuffs may be removed.

- (12) Intake/Release staff will begin to initiate and process inmate file material.
- (13) If the arresting/transporting Officer wishes to interview the prisoner, the booking deputy will escort the inmate to the interview room. If the prisoner is uncooperative, he/she shall be secured in an unoccupied holding cell until cooperation is gained.
- (14) If the arresting/transporting officer has no need to interview the prisoner and the prisoner is cooperative and presents no security risks, he/she may be directed to the waiting area until processing can begin.
- (15) All inmates, who present a serious risk to harm or infect others, will be temporarily segregated between intake and classification. Those inmates who are a suicide risk, are extremely vulnerable, or highly dangerous will be closely observed during this time.

#### 48.300 INITIAL PROCESSING OF PRISONERS.

- (1) The arresting/transporting officer shall fully complete a Custody Report and if applicable a Probable Cause Determination Statement prior to leaving the facility.
- (2) The Receiving Deputy shall ensure that the Custody Report and Probable Cause Determination Statement is complete, and that the arresting/transporting officer has signed the document.
- (3) Upon the Receiving Deputy's satisfaction that the all paperwork has been completed, the prisoner will be accepted.
- (4) Fingerprints of each prisoner shall be taken prior to the prisoner leaving the facility, except those who are arrested on other County holds or probation sanctions.
- (5) Photographs shall be taken of each prisoner.

#### 48.310 PROCESSING INMATES TO BE LODGED.

- (1) The Intake/Release staff shall complete the following:
  - (a) Review the Custody Report to determine if all necessary information has been completed.
  - (b) Ensure that all Booking information is entered into the Management Information System, to include, but not limited to:
    - a. Current illness or injuries
    - b. Significant medical history problems
    - c. Current treatment by a physician
    - d. Physicians name
    - e. Current medication(s)

- f. Pregnancy or other female issues
  - g. Suicide screening (current thoughts or past attempts)
  - h. Mental health issues (current or past diagnoses, treatment and behavior)
  - i. Current drug or alcohol use or detoxification issues, and
  - j. Need for prosthesis, wheelchair hearing or eye correction, etc.
- (c) Ensure that all suicide screening and mental health information is entered into the Management Information System, to include but not limited to:
  - a. Previous suicide attempts
  - b. Current state of mind and suicidal ideas
  - c. Information from arresting/transporting officers related to observed or noted risk factors
  - d. Family history of suicide or suicide attempts
  - e. Scars or other physical evidence of prior suicide attempts.
- (d) Inventory all remaining inmate property and issue a receipt to the inmate for the items. Inmates may retain the following items of personal property for use while detained at the Facility:
  - a. All legal papers.
  - b. Prescription glasses.
  - c. Paperback address booklets.
  - d. Prosthetic devices
- (e) All remaining pocket property will be sealed into a plastic bag; all cash will be placed into the cash drawer and posted to the inmates account;
- (f) The inmate will be billed for a hygiene kit;
- (g) If the arrestee has exhausted all efforts to post security and advises that they have no one available to post their bail, they will be moved into jail population. The inmate will then be escorted into the shower and changed into jail clothing. An unclothed search may be conducted on any inmates being transitioned from booking to a housing unit. Unclothed searches will be conducted on all arrestees who meet the established criteria of this section. The purpose of either the inspection or search is to detect amputations, deformities, track marks or other signs of drug use, vermin, injury, communicable diseases, and/or contraband. This search shall be limited to the purpose underlying the justification of the search. If there is an indication of vermin, medical staff will be notified. Inmates will be provided materials used for delousing and will be required to undergo delousing procedures. The inmate will then be placed in an isolated area until re-evaluated and cleared by medical staff. A report shall be generated, documenting the infestation, what action was taken, and any follow-up instructions from medical staff. The infected area, with all clothing and bedding will be removed and decontaminated. Booking deputies shall document the type of search conducted, the reason for the search and the person conducting the search. If at any time during the book in process the arrestee indicates that they have bail money on the way, they should be given a reasonable amount of time to secure bail, prior to an unclothed search being conducted.

- (e) The inmate's clothing will be placed into a property bag, identified with the inmate's name and property number, which is then stored in a well-ventilated property room.
  - (f) Inmates will be issued jail clothing, and provided soap and warm water and required to shower.
  - (g) The inmate will also be given an inmate manual.
  - (h) Each inmate will be issued a photo ID card prior to being lodged.
- (2) After all of the above steps have been completed, the inmate will be given bedding and an intake pack, containing hygiene items, and escorted to the appropriate housing unit.

#### 48.320 RECEIVING FEMALES.

When a female prisoner is brought to the Jail, a female employee should be present to assist with the admission process and to conduct all searches. This will ensure that the sexual privacy of the female inmate is not violated.

#### 48.330 RECEIVING JUVENILES.

Persons under the age of 18 shall not be admitted to the Jail. The Sheriff and the director of the County juvenile department may agree to detain the person charged in a place other than the county jail.

#### 48.400 RECEIPTING AND STORING PROPERTY.

- (1) When an inmate is lodged into the Polk County Jail, all personal property including jewelry, money, etc. will be taken.
- (a) Alcohol, firearms, live ammunition, explosive devices or any item that the mere possession of would constitute a crime, will not be accepted into the facility, but rather retained by the arresting/transporting officer.
  - (b) All large bulky items (i.e., backpacks, guitars, bicycles, etc.) will not be accepted into the facility. The arresting/transporting officer will retain large bulky items of prisoner property.
  - (c) Prisoner clothing suspected of being chemically contaminated will be retained by the arresting/transporting officer and will not be accepted into the Polk County Jail. The facility may accept one set of clothing to be placed in the inmate's property container for the inmates use at the time of his/her release.



- (2) Should an inmate be wearing a Medic-Alert Identification bracelet or necklace, he/she shall be allowed to retain the article and it will be noted in the Property Inventory form and the Medical Screening Form.
- (3) All items taken or retained by the arresting/transporting officer will be noted on the Inmate Property Inventory Form, which the inmate will sign, the Receiving deputy will cosign, and a copy will be issued to the inmate. The Receiving Deputy will obtain, if possible, a copy of the Detail Report from the arresting/transporting officer on all items of prisoner personal property that is confiscated or retained.
- (4) All items of inmate personal property will be inventoried in the Inmate Management System and the inmate will sign the document and be cosigned by the receiving deputy and a receipt will be issued. All inmate property, including closed containers, clothing, and pocket property will be searched prior to being placed in the property bag.
- (5) Inmate shoes and clothing will be placed in a property bag and stored securely in a well-ventilated Property Room.
- (6) All pocket property (wallet, jewelry, pocketknives, etc.), except money, will be placed in a separate plastic bag, sealed, and stored in the property bag. All cash will be placed into the locked cash drawer in the booking room after being counted, and posted to the inmates account.
  - (a) All collector type moneys (i.e., silver coins, foreign currency, tokens, etc.) will be placed along with other pocket property.
- (7) Inmates will only be allowed one change of clothing in their property bag. A change of clothes may be brought in by a friend or family member if needed for a court appearance, or if the inmates clothing is not appropriate for the weather should they be released. Ex: If the inmate was booked into the facility in shorts during the summer, and was released during the winter, it would be appropriate to have warmer clothing brought in. A signed "Release of property" form will need to be completed by the inmate before any property is released to family or friends and any new property being added to the inmates property bag will need to be documented and recorded.
- (8) If inmates who are being released do not have appropriate clothing for the outside weather, then the releasing Deputy will be responsible to make sure that the clothing needed will be issued to that inmate. If the inmate does not have a pair of shoes in their possession upon release, then a pair shall be given to them.

#### 48.500 PROCESSING INMATES FOR RELEASE.

- (1) The Deputy shall complete the following steps prior to releasing an inmate:
  - (a) Positive I.D. of the inmate to be released is determined;
  - (b) Verification of release authority;

- (d) File and computer check completed to verify no holds, detainers or commitments;
  - (d) LEDS check has been completed to verify no outstanding warrants;
  - (e) Polk County property has been returned and documented;
  - (f) Inmate property has been returned and documented;
  - (g) Documentation of the release has been completed; and
  - (h) Fingerprints and photographs have been taken.
- (2) Inmate having completed their sentences will be processed and released the day their sentence is served, provided no detainer exists, that there are no holds, warrants, or commitments outstanding which would preclude release. Inmates will be processed and released between 0700 and 0800 hours, unless release time is otherwise specified (i.e. sanction).
  - (3) Inmates held pending release, will be processed, and released when the Courts, or State Release Staff, provide proper documentation confirming the authorization of release. Inmates to be transferred or committed to another jurisdiction or institution will be processed and released when:
    - (a) A commitment order or transfer order from the court is received; or,
    - (b) The transporting officer responsible for transporting the inmate has provided proper identification.
    - (c) Intake staff will document on the Inmate Management card, the Transportation Officer's name, and agency prior to the officer taking custody of the inmate.
  - (4) An inmate found not guilty, or who has had his/her charges dismissed, will be processed and released when the Polk County Jail receives documentation from the District Attorney, or appropriate court, verifying such information.
  - (5) Inmates will, upon completion of release processing, verification of release authority and verification of inmate identity, be escorted by a deputy and released through the east intake exit door, ensuring that the individual does in fact exit the building.

#### 48.505 RETURN OF INMATE PERSONAL PROPERTY.

- (1) When an inmate is to be released from the custody of the Facility, the inmate and deputy shall ensure that all items of property, including money, are accounted for and returned, except for that which was seized as evidence or was otherwise lawfully confiscated, retained, or destroyed. The deputy will issue a facility check for the inmate's money. The deputy will secure the inmate's signature for personal property and the return of money.

- (2) If any discrepancy arises concerning inmate property or funds, every effort will be made to resolve the issue. If the issue cannot be resolved, a report will be forwarded to a Supervisor detailing the circumstances.

#### 48.510 POSITIVE IDENTIFICATION OF INMATES TO BE RELEASED.

- (1) The Deputy shall ensure the identity of the inmate to be released by:
  - (a) Comparing the photograph in the inmate management system to the inmate, or,
  - (b) Requiring the inmate to produce receipts for funds or property issued during the Intake/Booking process and compare signatures to the originals for verification; or,
  - (c) Having the inmate sign for his/her personal property on the Inmate Property Inventory form, comparing the signature to the original signature.
- (2) If any doubt exists in the Deputy's mind as to the correct identity of the inmate to be released, the Deputy will utilize the thumbprint identification pad. If any further questions remain, notify a Supervisor of the situation.
- (3) If the inmate is being released to another jurisdiction, the identity and authority of the official taking custody of the inmate shall be verified.

#### 48.515 DOCUMENTATION OF RELEASE.

- (1) The Intake/Release Staff will ensure that the following items are entered on the Intake Log for all individuals released from the facility:
  - (a) The inmate's name and booking number;
  - (b) Time and date released;
  - (c) Charges released on, type of release, and authorization for release;
  - (d) The agency of person to whom the prisoner was released, if any.
- (2) Intake/Release Staff will have the inmate sign a property form acknowledging receipt of his/her personal property and money.
- (3) The Intake/Release staff will ensure that the pertinent release information is entered into the computer and properly signed documents are placed in the inmate's jail file. If the inmate refuses to sign the property form, the releasing deputy will write "Refused" on the signature block and sign that the property and money was returned.

- (4) The Intake/Release staff will ensure that the inmate to be released from the Facility has his/her name removed from the Facility Inmate Roster and The Facility population count.
- (5) The Intake/Release staff shall notify Control of the pending release of the inmate.
- (6) The inmate to be released shall be escorted to the Intake/Release room for processing.

#### 48.520 RELEASE OF INMATE PROPERTY TO THE PUBLIC.

- (1) Before inmate pocket property can be released, the inmate must completely fill-out and sign a Property Release Form. Prior to releasing an inmate's pocket property to an individual, the Property Officer must request valid picture identification from the receiving person, verify the property inventory with the receiving person, and secure the receiving person's signature on the release form. A copy of the release form will be given to the receiving person along with the pocket property. A copy will be given to the inmate and the white original copy will be placed in the bin with the inmate's clothing.
- (2) The same procedure will be followed in receiving money as in receiving inmate personal property. The sum of cash will be added to the inmate's account and the funds will be placed into the safe.

Contraband found after the arresting officer leaves will be secured in the Jail Property/Evidence Lockers which are located in the staff entrance area. The arresting agency will be notified and requested to collect the contraband item(s) and issue a receipt to the inmate for items taken.

[Enacted Ord. 03-05]