

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 31
CUSTODY

Effective date of outline: July 1, 2018

I. LEARNING NEED

Peace officers must know their responsibilities and liabilities for the care, custody, and safety of prisoners while ensuring their constitutional and statutory rights.

LEARNING OBJECTIVES

- A. Recall the definition of custody
 - 1. The arresting officer is responsible for the care and custody of an arrested person
 - 2. The arresting officer may or may not also be the transporting officer responsible for transporting the arrested person to a local detention facility.

- B. Recognize general responsibilities an officer has for the care and custody of an arrested person
 - 1. Assuring there is a lawful basis for custody
 - 2. Protecting the constitutional and statutory rights for the arrested person while that person is in the officer's charge
 - 3. Maintaining the care, custody, and safety of the arrested person until that person is processed into a local detention facility
 - 4. Maintaining officer and public safety
 - 5. Handling those responsibilities necessary to facilitate the processing of the arrested person into a detention facility.

- C. Recognize the liabilities for an officer who shows callous disregard for an arrested person's safety
 - 1. Departmental discipline (including termination)
 - 2. State prosecution for violation of penal code statutes
 - 3. Federal prosecution for violation of federal and civil rights law
 - 4. Civil lawsuits that may include punitive damages levied directly against individual officers

- D. Recognize the circumstances that ensure a legal basis for commitment to custody, including:
 - 1. Court documents (e.g., warrants, court orders, etc.)
 - 2. Parole and probation commitments
 - 3. Probable cause arrests

4. Prisoners in transit
- E. Recognize constitutional rights and protections afforded to an arrested person while in an officer's charge
 1. Freedom of religion
 2. Freedom of speech
 3. Right to a speedy trial
 4. Right to legal counsel
 5. Protection from cruel and unusual punishment
 6. The right from due process of the law
 7. Right to equal protection
 - F. Recognize fatal errors officers can make that jeopardize their safety while performing custodial duties
 1. Tombstone courage
 2. Fatigue
 3. Bad position
 4. Bad attitude
 5. Ignoring danger signs
 6. Failure to watch hands
 7. Relaxing too soon
 8. Use of restraint devices
 9. No search or poor search
 10. Officers' inoperative weapons

II. LEARNING NEED

Peace officers must know the elements required to complete crimes involving the treatment of prisoners and to correctly categorize these crimes as misdemeanors or felonies.

LEARNING OBJECTIVES

- A. Recognize the crime elements, required to complete the crime of:
 1. Assault of a prisoner under the color of authority
 2. Cruel or unusual treatment of prisoners
 3. Inhumane or oppressive treatment of a prisoner
- B. Identify the crime classification as a misdemeanor or felony
 1. The Crime of assault by a public officer is a felony.
- C. Recognize the crime of violation of a prisoner's civil rights
 1. Penal Code Section 147 consist of inhumane of prisoners in custody it also consist of violations of federal civil right laws

2. Penal Code Section 422.6 (a) pertains to the depriving of a person's civil rights

III. LEARNING NEED

Peace officers must know they are legally responsible for the safety, well being, and level of care prisoners receive while those prisoners are held in a custodial facility.

LEARNING OBJECTIVES

- A. Recognize the crime elements for bringing a firearm, deadly weapon, or explosive into a detention facility
 1. Any person knowingly brings send into or assist in bringing into or sending into a local detention facility any firearms, deadly weapon or explosives.
 2. Any person who wile lawfully confined to a detention facility possess a firearm, deadly weapon, explosive or teargas/ teargas weapon
- B. Identify the crime classification as a misdemeanor or felony
 1. Any person who posses or assist to bring in firearms, deadly weapon or explosive in a confined detention facility, is guilty of a felony.
 2. Any person who sends tear gas or tear gas weapon into a detention facility is guilty of a misdemeanor.
 3. If the tear gas is released or tear gas weapon used it becomes a felony
- C. Recognize responsibilities of the arresting or transporting officer and custodial personnel regarding medical care prescreening of prisoners before being accepted into a local detention facility.
 1. Injury
 2. Illness
 3. Possible drug overdose
 4. Mental incapacitation
 5. Suicide risk
 6. Whether the person requires medication
- D. Identify classes of prisoners who may require special care or protection
 1. Diabetic shock
 2. Head injury
 3. Severe bleeding
 4. Drug overdose
 5. Unresponsiveness or unconsciousness
 6. Chest pain

IV. REQUIRED LEARNING ACTIVITIES

- A. The student will participate in a facilitated discussion which relates to the legal responsibilities of a peace officer in the care and custody of an arrested person from the time of arrest to the transfer of responsibility to a local detention facility. At a minimum, the discussion must address:
1. Legal basis for the custody
 2. Pertinent laws relating to the care and custody of the arrested person
 3. Officer's responsibilities during intake
 4. Actions of custodial personnel upon receipt of the arrested person

<u>Description</u>	<u>Hours</u>
POST Minimum Required Hours	<u>2</u>
Agency Specific Hours	<u>4</u>
Total Instructional Hours	<u>6</u>

V.