


SOLANO COUNTY CALIFORNIA PROBATION DEPARTMENT	POLICY NUMBER: 611	EFFECTIVE DATE: September 19, 2016
	SUPERSEDES: June 29, 2015	
APPROVED BY:  CHIEF PROBATION OFFICER	TITLE: ARREST	

1. **Policy** The Solano County Probation Department will safely and effectively arrest adult and juvenile probationers whom are deemed to be in violation of their grants of probation and require detention in the county jail or the Juvenile Detention Facility.

The probation officer may arrest non-probationers who are observed committing serious crimes that could cause imminent risk to the victim or others during the performance of the probation officer's duties. If requested by a law enforcement officer for assistance, a probation officer may assist in the arrest of probationers/non-probationers.

2. **Definitions** (*Attachment A*)
3. **Factors to Consider When Making an Arrest**

A. The probation officer must have probable cause to believe the probationer has violated a law or reasonable suspicion, has violated a term or condition of probation, has an outstanding warrant, his/her safety or the safety of others is in jeopardy, or has escaped from any commitment ordered by the court.

B. The probation officer must consider the risk to themselves, the community, probationer, and staff involved.

C. Availability of police/probation support.

4. **Procedures** The circumstances of the case and a plan for arrest must be reviewed and approved by the unit supervisor or an alternate supervisor or manager, unless exigent circumstances exist.

A. **Pre-Planning Arrest Procedures**

- (1) Confirm case status, including probation conditions; confirm search and seizure clause, pertinent medical information, and probationer history which could impact officer safety (i.e. weapons, assaults, etc.). This information should be shared with staff assisting with arrest.

- (2) Make collateral contacts to confirm and acquire copies of outstanding warrants and verify information regarding alleged violations.
- (3) Coordinate arrest plan with local law enforcement for field arrest, and if needed for in-office arrest.
- (4) Assess for specialized needs of the probationer or the situation (i.e. special medical problems, need for animal control, need for Child Protective Services). In joint law enforcement operations, law enforcement will be the primary lead agency to determine the tactical needs and requirement for the arrest.

B. Field Arrest

- (1) As a general rule, a field arrest should be affected with law enforcement, unless exigent circumstances dictate immediate action. Prior to effecting the arrest in the field, all probation officers involved shall be equipped with handcuffs, OC spray, a cellular phone, radio, and any other officer safety equipment available and approved of by the Probation Department.
- (2) If making an arrest without law enforcement, at least two probation officers must be present, unless safety of the officer or others is a factor.
- (3) If a residential arrest is anticipated, determine if other probationers or parolees reside at the residence. If so, the respective officers and/or allied agencies should be contacted.

C. Field Arrest Transport

- (1) Field arrests will generally be accomplished with law enforcement assistance, law enforcement (in most instances) will transport the probationer into custody.
- (2) In the rare event that a field arrest occurs without law enforcement assistance and based upon the circumstances, the probation officer may:
 - a. Contact local law enforcement jurisdiction for transport assistance;
 - b. Contact SDPO to arrange for another probation officer to secure a caged vehicle and respond to the location to assist in the transport;
 - c. If probation officer has a county vehicle, probation officer may transport in accordance with the Transportation policy.

D. In-Office Arrest

- (1) Notify the unit supervisor (or designee) and any other necessary staff of the pending arrest.

- a. Vallejo Office and Vallejo CPC only: Also, notify the Sheriff Court Security Officer.
 - b. Sullivan center only: Also notify the Fairfield Police Department (PD)/School Resource Officer if available.
- (2) Prior to the probationer's arrival, begin to fill out arrest and detention form (Attachment B) and ARIES if necessary.
- (3) Upon probationer's arrival, notify supervisor and backup officers and/or Sheriff Security Officer prior to allowing probationer into interview room.
- a. Juvenile Probation Only: If minor is accompanied by parent(s)/guardian(s), the parent(s)/guardian(s) will be directed to remain in the waiting room, as appropriate. (Sullivan Center only: parent(s)/guardian(s) will be directed to remain in the Sullivan Center Lobby, as appropriate.)
 - b. Fairfield CPC and Vallejo CPC only: case manager to notify the supervision probation officer to effect the arrest. If the supervision probation officer or another probation officer is not available, case manager to contact the Solano County Sheriff's SET team to effect the arrest. If the SET team is not available, the case manager is to effect the arrest.
- (4) If there is a need for the law enforcement to be present during an arrest of a probationer due to prior history of violence, resisting arrest, issues with authority figures, etc. law enforcement must be contacted and given the information the day of the appointment. Do not allow the probationer into the interview room until the law enforcement officers/deputies are present.
- (5) Sullivan Center only: Probationer is to be escorted to interview room (currently designated as room #21).
- (6) Absent law enforcement presence an office arrest should be affected by three probation officers and the following procedures shall be followed:
- a. The probation officer must get his/her supervisor's prior approval.
 - b. A minimum of two back-up probation officers should assist in the arrest. One probation officer shall enter the interview room; with the remaining back-up probation officer positioned in front of the entrance door to the interview room.
 - c. Effect the arrest, secure probationer with restraints and conduct pat down search for officer safety by a probation officer of the same sex when possible.

- d. Inform probationer of the specific violation(s)/reason(s) for the arrest once the probationer is secured and the situation is stable. Further question probationer about how they arrived at the office, if there is a vehicle in the parking lot, and any persons accompanying them unless further questioning will trigger a Miranda advisement.
 - e. The probation officer should cease any specific questioning pertaining to a violation/new offense. If an occasion arises where a probationer under arrest must be questioned by the probation officer, the probationer must be advised of his/her Miranda rights (Attachment C). Whenever possible, read the department issued Miranda rights to the probationer.
 - Note: Admonishment of Juveniles: Section 625 W&I Code states that when a minor is taken into temporary custody under section 601 or 602 W&I, the minor MUST be advised of his/her rights to remain silent. Under California Law, if the Juvenile asks to speak with his/her parent or guardian, the interrogating officer must stop and recognize this as the same as a request for a lawyer. However, the officer is not required by law to inform the juvenile that he/she has this additional right.
 - f. If the probationer becomes physically combative, the probation officer may use Department approved tactics to control the defendant. (See Use of Force Policy) Call the Sheriff's Department and/or 911 and building security for further assistance, if necessary.
- (7) Personal items seized as evidence or contraband for further violation or possibly a new offense shall be bagged and recorded on a property receipt form. Probation officers shall assume custody of the evidence/contraband. In cases where a new law violation is suspected, the agency with primary jurisdiction shall be contacted and given the opportunity to respond. (See Seizure and Custody of Evidence Policy). All other properties (i.e. money, jewelry, pager, cell phone, wallet, keys, etc) are to be inventoried by jail staff or Juvenile Detention Facility staff.

E. In-Office Arrest Transport

- (1) If the probation officer is transporting the probationer to county jail or the Juvenile Detention Facility, they will be transported via the use of a Department vehicle (See Transportation of Probationer Policy).
- (2) Fairfield in Office Arrest: The transport vehicle will be brought to shipping/receiving entrance of the building by the back-up probation officer prior to taking the probationer to the vehicle. The probationer should be removed from the building through the shipping/receiving entrance.
- (3) Vallejo in Office Arrest: The transport vehicle will be brought to the rear emergency exit of the Vallejo Court building. The probationer will be escorted

out of the 1st floor rear emergency exit door of the building. Ensure there is no visitor and/or probationer movement in the Vallejo branch office interview rooms and/or hallways during the time of the client arrest.

- (4) Sullivan Center in Office Arrest: The transport vehicle will be brought to the side gate next to the Fairfield PD/School Resource Officer office (currently Room #18). The probationer will be escorted from the interview room (currently room #21), through the side gate, and into the transport vehicle. Should the probationer be combative, the transport vehicle may be driven on-campus to interview room (currently room #21), where the probationer can be directly escorted and secured into the transport vehicle.
 - (5) Probation officers transporting the probationer must utilize dispatch services (See Radio Policy).
 - (6) If Sheriff or other law enforcement is transporting the probationer, transfer custody to them and assist only if necessary, i.e. carrying property to transport vehicle or accompany to jail to do actual booking. Also note to the transporting officer of any known physical injury during the arrest.
 - (7) Juvenile Probationers: The probation officer must contact the Juvenile Detention Facility in advance of booking the minor into the facility. It is necessary to calendar VCOP/arrest by contacting juvenile clerical intake. Juvenile officers shall adhere to the Juvenile Division's policy regarding the appropriate filing of the intake detention report.
 - (8) Adult Probationers: The probationer's probation officer will follow up and verify with the appropriate criminal court calendaring division the arraignment date. Submit court report, if necessary.
- F. Voluntary Surrender - There are occasions when a probationer on warrant status contacts the probation officer to address the warrant. Depending on the contact, the probation officer shall direct the defendant as follows:
- (1) If the probationer contacts the probation officer by telephone, the probation officer shall direct the probationer to either contact his/her attorney to calendar a court appearance or surrender to the Probation Department, Sheriff's Department, or local law enforcement agency. The probation officer will document this contact into the CASE notes.
 - (2) If the probationer comes to the Probation Department unannounced on the warrant, the probation officer shall follow the specific arrest procedures of that probation office.

- a. If the probationer is being arrested on an out of county warrant, contact the county with the warrant and have them teletype the warrant to the Solano County Sheriff records and warrants department.
- G. Medical Clearance Requirements for Booking - In the event a subject is arrested, the Sheriff's jail medical personnel or Juvenile Detention Facility staff will require that specific situations require medical clearance prior to booking. All law enforcement agencies are subject to the jail medical staff or Juvenile Detention Facility protocols for accepting a booking.
- (1) Should the following situations occur during an arrest **and the situation is not a medical emergency requiring an ambulance**, medical clearance must be obtained:
 - a. Any signs of visible physical injury such as: broken bones, profuse/uncontrollable bleeding from wounds, head injury/head wounds.
 - b. Subject reports an injury during the arrest process.
 - c. Any subject that is grossly intoxicated/under the influence of a controlled substance and unable to walk.
 - d. A subject experiencing respiratory distress (breathing difficulty).
 - e. A subject that is still experiencing difficulty 30 minutes after being OC sprayed and first aid was rendered.
 - (2) The subject is to be transported to a hospital emergency room and go to the law enforcement entrance, if applicable, as follows:

Benicia/Vallejo: If the subject has Kaiser coverage, transport to Kaiser; otherwise to Sutter Solano Hospital

Fairfield/Rio Vista: Transport to North Bay Medical Center

Vacaville: If the subject has Kaiser coverage, transport to Kaiser; otherwise to Vaca Valley Hospital
 - (3) The subject is to remain restrained while at the hospital and remain in the custody of probation staff. If medical personnel need to have them uncuffed, an alternative method of restraint is required such as cuffing one hand to the gurney or using the hospital's soft restraints.
 - (4) Prior to leaving the hospital, obtain medical clearance in writing from a doctor. (There is no standard form.)
- H. Arrest requiring extended medical treatment-Should the subject require extended medical treatment a Supervising Deputy Probation Officer or Probation Services

Manager if it is after 5PM shall be notified and the following options should be considered:

- (1) If the subject was arrested for a violation only and does not pose a danger to the safety of others, release the subject at the hospital and place their case on the court calendar to address the violation.
- (2) Sheriff's Department shall be contacted to arrange for supervision of the subject. The Sheriff's Department may be able to cite and release if arrested on a warrant.

5. **Exceptions** Any exceptions to the provisions set forth in this Policy shall require prior written approval from the Chief Probation Officer.