

EXPANDED COURSE OUTLINE
REGULAR BASIC COURSE
LEARNING DOMAIN 31
CUSTODY

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. Refers to the immediate care or charge of an arrested person
 - 2. An arrest is the taking of a person into custody, in a case and manner authorized by law
 - 3. Arrested person remains in the custody of peace officers until incarceration

- B. Recognize general responsibilities an officer has for the care and custody of an arrested person
 - 1. Assuring that there is a lawful basis for custody
 - 2. Protecting the constitutional and statutory rights
 - 3. Maintaining care, custody, and safety
 - 4. Maintaining officer and public safety
 - 5. Handling responsibilities necessary to facilitate processing of arrested person into 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
 - 3. Federal prosecution
 - 4. Civil lawsuits

- 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. First Amendment
 2. Sixth Amendment
 3. Fifth Amendment
 4. Fourteenth Amendment
 5. Exercise religious freedom
 6. Attorney visits
 7. Medical personnel visits for purpose of assisting in prisoner's Defense
 8. 3 calls within 3 hours
 9. Right to deal with real and personal property
 10. Correspond confidentially with state bar or public office
 11. Books and Newspapers
 12. Civil Actions
 13. Create power of appointment
 14. Make a will
- 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. Cruel and unusual punishment - Misdemeanor
 - 2. Inhumane or oppressive treatment – Fine and termination of employment
 - 3. Both could also be a violation of federal civil rights laws.

- C. Recognize the crime of violation of a prisoner’s civil rights
 - 1. 422.6(a) Penal
 - 2. Color of Law
 - 3. Misdemeanor

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 who
 - 2. Knowingly or while lawfully confined to a detention facility
 - 3. Possesses, brings or send into, or assist in bringing / sending into
 - 4. A local detention facility
 - 5. Any firearms, deadly weapons or explosives

- B. Identify the crime classification as a misdemeanor or felony
 - 1. Bringing a firearm, deadly weapon or explosive
 - 2. Into a local detention facility
 - 3. Is 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. Complete medical questionnaire
 - 2. Determination of need of medical problems-conditions that need special care
 - 3. Completion of questionnaire will determine acceptance for incarceration

- D. Identify classes of prisoners who may require special care or protection
 - 1. Health related issues
 - 2. Suicidal-mental conditions

3. Gang affiliations or Arrest Charges
4. High risk of being an assault victim

IV. REQUIRED TESTS

- A. The POST-Constructed Comprehensive RBC Test 3.

V. 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

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