

	<p style="text-align: center;">BRIDGEPORT POLICE DEPARTMENT</p> <p style="text-align: center;">POLICY AND PROCEDURE GENERAL ORDER</p>	Distribution <b>ALL PERSONNEL</b>	General Order Number <b>5.07</b>
		Original Issue Date  5/21/19	Reissue/Effective Date  5/6/22
Order Title:  <b>ARRESTING PROCESSING</b>		Accreditation Standard: POSTC: 1.3.7; 1.3.10; 1.5.11 1.7.20; 1.9.1 b; 1.9.9; 1.9.10; 1.10.4 b, c; 3.2.2 b	Section  5
		Section Title PATROL FUNCTIONS	
Rescinds: 3.7.9, 3.7.10		<b>Rebeca Garcia, Chief of Police</b>	

*This General Order is for departmental use only and does not apply in any criminal or civil proceeding. This General Order should not be construed as creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this General Order will only form the basis for departmental administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting*

## I. PURPOSE

The purpose of this policy is to establish the responsibility and standards for arrest processing by the Bridgeport Police Department.

## II. POLICY

It is Bridgeport Police Department policy to process those persons so accused of committing a crime or violation without unnecessary delay, and to determine qualifications for release as soon as possible.

## III. DEFINITIONS

Arrestee: A person taken into custody by a Bridgeport Police Officer, with or without a warrant.

Booking: A procedure for admitting a person charged with an offense to the Bridgeport holding facility, including searching, fingerprinting, photographing, medical screening, collecting personal history data, and inventorying and storing a person's property.

Contraband: Any item that is illegal to possess, to include items that are not permitted within a holding facility because of their possible use to disrupt security measures within the facility.

Custody: Legal or physical control of a person in an area or facility or while in transit; legal, supervisory, or physical responsibility for a person.

Detainee: A person in the custody of Department personnel and whose freedom of movement is at the will of agency personnel.

Disabled Detainee: A detainee with an anatomical, physiological, or mental impairment that hinders mobility.

Inventory: A detailed, itemized list, report, or record of items in one's possession or the process of making such a list, report, or record.

Processing: Pre-booking and booking activities involving detainees in custody, after which detainees may either be released from the custody of or held by Bridgeport Police Department.

Restraining Devices: Equipment used to restrain the movement of the prisoner, such as handcuffs, flex-cuffs, waist chains, ankle chains, restraining straps, strait jackets, or tie-down stretchers.

Strip Search: A strip search is defined in Connecticut General Statutes Section 54-33k as having an arrested person remove or arrange some or all of his or her clothing, or, if an arrested person refuses to remove or arrange his or her clothing, having a peace officer or employee of the police department remove or arrange the clothing of the arrested person so as to permit a visual inspection of the genitals, buttocks, anus, female breasts, or undergarments used to clothe said anatomical parts of the body.

## **IV. PROCEDURES**

### **A. Arrest By Warrant**

1. Sworn Officers are authorized to serve arrest warrants based on C.G.S. Section 7-281: Arrest warrants may be executed in any jurisdiction within the State of Connecticut (C.G.S. § 54-2aS).
2. Arrest warrant restrictions include:
  - Time requirements for prosecution:
    - Felony; five (5) years from date of incident.
    - Misdemeanor; one (1) year from date of incident, unless there are reasonable grounds to believe the subject had left the state;
3. Officers executing valid arrest warrants may use reasonable and necessary force to insure the completion of their action and their safety. See General Order 3.01 - Use of Force.
4. When an officer possesses a valid felony arrest warrant for a suspect and reasonably believes the suspect is inside his or her residence the officer may force entry to make an arrest. Unless there are exigent circumstances officers will normally not force entry to serve a misdemeanor warrant.

### **B. Arrests Without Warrant**

1. Statute: Officers may effect criminal arrests and take into custody persons for whom probable cause exists to believe have committed a felony, and/or

persons who have committed a misdemeanor in the presence of the officer or based on the "speedy information" of others. Refer to CGS § 54-1f.

2. Case Law: Criminal arrests by sworn personnel of this Department will be made in compliance with the specific judicial decisions of the United States Supreme Court, the Connecticut Supreme Court, other courts, and legislation governing the rights of the accused, procedures for the arrest, and procedures for the search and seizure of evidence.

**C. Alternatives to Arrest and Pre-Arrest Confinement**

All sworn Bridgeport Police Department personnel will recognize that other alternatives to in-custody arrests and pre-arrest confinement are available and may be used.

**D. Summons Release in the Field**

1. Any person who has been arrested, with or without a warrant, for the commission of a misdemeanor or for an offense which is motor vehicle in nature, for which the penalty is imprisonment for not more than one year or a fine of not more than one thousand dollars, or both, may, at the discretion of the arresting officer or Sergeant, be issued a summons and be released on a written promise to appear in court at a date and time specified.
2. Any person who has been arrested, with or without a warrant, for the commission of a misdemeanor or for an offense which is criminal in nature, for which the penalty is imprisonment for not more than one year or a fine of not more than one thousand dollars, or both, may, at the discretion of the arresting officer, Sergeant or Higher Ranking Officer, be issued a summons and be released on a written promise to appear in court at a date and time specified.
3. In any criminal case where an offender is taken into custody and brought into headquarters for formal booking and processing, the suspect shall be fingerprinted and the Uniform Arrest Report (UAR) is to be completed.

**E. Exception to Release in the Field**

1. An officer making an arrest for the following offenses shall take the arrestee into custody and transport the arrestee to headquarters for formal booking and processing:
  - a. Any misdemeanor offense involving domestic problems; however, an exception to this procedure would be the case where both parents are subject to arrest and children are present in the home and need to be

cared for. A summons to one of the parents may be issued upon approval of a Sergeant or higher-ranking Officer.

- b. Any misdemeanor offense involving any person not known to the arresting officer and who cannot produce sufficient, credible identification (Connecticut photo ID or driver's license)
- c. Any offender taken into custody for Operating Under the Influence.
- d. Any offender who refuses to sign that part of the summons that states "I promise to appear in Court as scheduled above." or a Written Promise to Appear Form. The offender issued a summons for traffic offenses will be required to sign the summons or a Written Promise to Appear Form as a promise to appear if a court appearance is mandatory. The offender that refuses will be taken into custody and transported to headquarters for bonding purposes. Only in cases where a summons is issued contemporaneously with the offense will the offender be taken into custody for bonding purposes or for refusing to sign the summons; i.e. if an offender is observed by an officer to be operating while his privilege to drive is suspended and is located during the officer's shift, the offender may be taken into custody for bonding purposes. An offender located after the officer's shift may be issued a summons to court but not taken into custody. If the offender refuses to sign the summons, an arrest warrant must be sought; Note: exceptions to this are Speeding and No Insurance which do not impose jail time.

#### **F. Detainee Search Procedures**

- 1. Booking personnel shall conduct a systematic, thorough, and complete search of all arrested individuals in the custody of Bridgeport at the time of entry into the booking facility. Personnel will wear protective gloves when conducting a search in order to prevent exposure or injury due to the possible presence of bloodborne pathogens, needles, syringes, and other "sharps". Custody searches will be conducted without removing all detainee clothing. Strip and/or Body Cavity searches will only be conducted pursuant to Bridgeport General Order 1.07.

#### **G. Inventory and Storage of Prisoner Property**

- 1. Every custody search will include an itemized inventory of the property taken from all detainees at the time of booking. The inventory shall be recorded on a Bridgeport Prisoner Property Form. Containers, packages, pill boxes, etc., will be inspected and opened. The contents of any container or package will be documented on the Prisoner Property Form. The form shall indicate which items, if any, may be retained by the detainee, and which may not. All contraband will be seized and logged into evidence at the time of booking. Contraband will not be returned to any detainee upon release. If the detainee

refuses to sign for the inventory, then it should be so noted and witnessed. This form shall remain in the locker with the prisoner's personal belongings. Each prisoner's personal property shall be securely stored separate from other prisoners' personal property. (Refer to Section 5.10, Securing Prisoners, for specific procedures.)

#### **H. Identification of Detainees**

1. There shall be a positive identification made of each person brought into the custody of Bridgeport Police Department. The identity of individuals turning over an arrestee to Bridgeport Police Department, and their authority to do so, will be verified and documented in the narrative report. Personnel assigned to handle the transportation and/or processing of the incoming detainee shall confirm identification of the detainee by checking the identity of the individual against the descriptions contained in the arrest or booking report, including the use of photographs and fingerprints, if necessary, to secure a positive identification.

#### **I. Prisoner Interview and Booking**

1. The prisoner will be interviewed by the processing officer. The prisoner interview and booking requires completion of the following:
  - a. An interview of the prisoner and completion of the Bridgeport Police Department personal history form (RMS Booking Data), by the processing officer.
  - b. Completion of the State Uniform Arrest Report, # JD-CR 21, or MSC for motor vehicle charges, by the processing officer, which the prisoner will sign prior to release.
  - c. Signing of two (2) FBI fingerprint cards, FD 249, by the prisoner and the processing officer.
  - d. Suicide Prevention Form, Marshall Detainee Behavior Questionnaire, JD-MS-5 New 6-06. (Refer to Section 5.10(N)(3), Securing Prisoners, Suicide Screening and Prevention)
  - e. Detainees will be provided access to a telephone and be advised if telephone conversations are monitored or recorded.
  - f. Detainees remaining in custody will be provided with 3 meals in any 24- hour period.

## **J. Electronic Recording of Custodial Interrogations**

Custodial interviews and interrogations will be conducted in accordance with General Order 6.17. Pursuant to C.G.S. § 54-1o, the Bridgeport Police Department shall electronically record any oral, written, or sign language statement made as the result of a custodial interrogation at a place of detention for a person under investigation for, or accused of, any of the following: (a) Capital Felony, (b) Class “A” Felony, (c) Class “B” Felony, and (d) Any violation of this policy might result in the person’s statement being inadmissible in a court a court of law.

### 1. General Guidelines:

- a. The Chief of Police or his/her designee shall designate rooms to be used for interviews, and ensure the rooms are suitably equipped to adequately capture electronic audio/visual recordings to meet standards set by the Connecticut State's Attorney's Office.
- b. Persons under investigation for, or accused of, a capital felony or a class A or B felony and subject to custodial interrogation shall be interviewed in a room suited to electronic recording of video and audio of the interview.
- c. In order that such interviews will be admissible as evidence against the subject in a criminal proceeding, a recording of the interview must be substantially accurate and not intentionally altered. Upon completing an electronic recording, the interviewer will burn the video footage to a DVD or other suitable hard copy format for delivery to the Connecticut State's Attorney's Office, and also retain a copy for the investigative file.
- d. Nothing in this order precludes the electronic recording of other interviews and interrogations.
- e. Officers will refer to current department training for the proper use of recording equipment, be familiar with and adhere to current Connecticut and United States court decisions and constitutional law governing interviews.

### 2. Exceptions – This order does not apply to:

- a. A statement made during a custodial interrogation that was not recorded because electronic recording was reasonably not feasible;
- b. A voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the person as a witness;

- c. A spontaneous statement that is not made in response to a question;
- d. A statement made after questioning that is routinely asked during the processing of the arrest of the person;
- e. A statement made during a custodial interrogation by a person who states, prior to the interrogation, that he/she will only respond to the interrogator's questions if an electronic recording is not made of the interrogation. However, an electronic recording **must** be made of such a request and the person's agreement to respond to the interrogator's question once the recording is turned off.
- f. A statement made during a custodial interrogation that is conducted out of state;
- g. Any other statement that may be admissible under law.

### 3. Retention

- a. Pursuant CGS § 54-10, all electronic recordings shall be preserved until such time as the person's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted or the prosecution is barred by law. Current records retention standards will also apply.
- b. Pursuant to CGS § 54-10, any electronic recording of any statement made by a person at a custodial interrogation that is made by any law enforcement agency under this section shall be confidential and not subject to disclosure under the Freedom of Information Act, as defined in CGS § 1-200, and the information shall not be transmitted to any person except as needed to comply with this section.

### **K. Multiple Arrests and Group Holding**

- 1. In order to ensure officer and detainee safety, only one individual at a time will be processed/booked. Under normal situations, there shall be only one detainee placed in a jail cell while awaiting processing. When the need arises for group arrests and the processing of multiple prisoners, the shift supervisor may authorize one of the following options if necessary:
  - a. Temporary detention at a state or neighboring local law enforcement agency.

## **L. Fingerprinting and Photographing Arrestees**

### **1. Fingerprinting**

- a. Prior to fingerprinting, the processing officer will place protective examination gloves on both hands. The wearing of the gloves will protect the officer from coming in contact with communicable diseases.
- b. The processing officer shall remove the prisoner from the cell/processing cage once the booking interview is completed. The prisoner will then be fingerprinted using the **IDEMIA** Fingerprint System. When **IDEMIA** is not operational, the following fingerprint cards will be utilized:

Uniform Arrest Report, JD-CR 21  
Two (2) FBI fingerprint cards, FD249  
Final Disposition Report, R-84  
Palm Print Card

- c. In the event of an exigent circumstance or lack of resources to manually fingerprint, officers may contact a surrounding police department to utilize their IDEMIA Fingerprint System. Should this occur, the following procedure will be followed:

1) The officer will transport the prisoner to the BPD and complete the arrest card in the NexGen system.

2) Police & Detention officers will escort the prisoner to Troop G or neighboring police department to be fingerprinted and return back to BPD to be held until court or bond is met.

The completed fingerprint cards will become part of the incident report, to be reviewed by the on-duty supervisor.

### **2. Photographing**

- a. The Bridgeport Police Department will photograph each prisoner using the digital camera, which is connected to the departments' on line booking system. Once the prisoner has been fingerprinted and photographed, he/she will be secured in the appropriate cell, if release is not possible.

## **M. Off Site Arrests and Out of Town Arrest Warrants**

1. Bridgeport Police Officers are often required to process an arrest outside the Bridgeport Police Department building; at the scene of an incident, at court, or



at another police facility. Individuals arrested off site shall be afforded the same constitutional rights as those processed within the Bridgeport Police building. When possible, arresting officers will follow the same arrest procedures as those used within the Bridgeport Police building, taking into consideration the policies and procedures of the agency where a prisoner is being held and processed.

2. When serving a Bridgeport Police Department warrant in another town Bridgeport personnel will notify the police agency in the town where the warrant is to be served and request that a local officer accompany them while they are executing the warrant.
3. Whenever an officer has reason to believe a suspect is wanted on a warrant from another jurisdiction the officer will ask the dispatcher to confirm the validity of the warrant before transporting the suspect to Booking.

#### **N. Bond**

1. A prisoner is guaranteed reasonable bail under the Eighth Amendment of the United States Constitution, "Excessive bail may not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The on-duty Sergeant or Higher Ranking Officer shall have the authority to set a reasonable bond for the arrestee or to release the prisoner on a Written Promise to Appear. The supervisor will comply with Connecticut General Statutes § 54-63c, Release by Law Enforcement Officer. In the event that the arrestee cannot make bail, the on-duty supervisor shall contact a bail commissioner promptly per Connecticut General Statutes § 54-63c(a). All prisoners will be presented at court at the next court date after their arrest in compliance with Connecticut General Statutes § 54-1g.
2. When considering whether to release an individual on bond, the supervisor shall consider:
  - a. The arrested individual's length of residence in the community;
  - b. The person's connection with the community;
  - c. Record of arrests, convictions, and history of failure to appear in court; and
  - d. Safety to the victim(s) and arrested person.
3. After receiving the bond money, the officer, accompanied by the shift supervisor, will count the cash received after verifying the amount. The officer shall place the cash into a white department letterhead envelope. The cash envelope will have the following information recorded on the outside:
  - a. The Bridgeport Police Department case number
  - b. Name of the arrested person
  - c. The receipt number for the cash bond

- d. The arrested person's appearance date in court
- e. The officer receiving the bond
- f. The supervisor verifying the amount of bond collected.

The envelope will be sealed, and both officer and supervisor will then affix their initials to the sealed area. The supervisor will place the cash bond into the cash collection receptacle .

4. In the event an error was made, such as information not being recorded correctly on the envelope, a written memorandum will be placed into the receptacle to the attention of records personnel. Such memorandum will note the discrepancy and contain the information needed to correct an erroneous entry or record. Within 48 hours following an arrest, prisoners detained on a warrantless arrest shall be presented in court or the case shall be presented before an administrative judge for a determination of probable cause.

#### **O. Release Without Bond**

1. At the discretion of a Sergeant or Higher Ranking Officer, an arrested person may be released on the person's written promise to appear in court (WPTA). The supervisor should weigh the costs to the individual and this Police Department against the possibility that the person will fail to appear in court. Consideration should be given to:
  - a. The arrested individual's length of residence in the community; and
  - b. The person's connection with the community; and
  - c. Record of arrests, convictions, and history of failure to appear in court.

#### **P. Identification of Detainee Prior to Release**

1. The arresting officer is responsible for making a positive identification of each person brought into the custody of Bridgeport Police Department. The arresting officer has a responsibility to make every effort to identify the arrested party prior to transporting the detainee to the Booking Facility). The identity of individuals turning over an arrestee to Bridgeport Police Department, and their authority to do so, will be verified and documented in the narrative report. Personnel assigned to handle the transportation and/or processing of the incoming detainee shall confirm identification of the detainee by checking the identity of the individual against the descriptions contained in the arrest or booking report, including the use of photographs and fingerprints, if necessary, to secure a positive identification.

#### **Q. Return of Detainee Property Upon Release**

1. Personnel who are assigned to take prisoners out of any holding area for

release shall review the *Prisoner's Personal Property Form* with the prisoner to verify that all his/her belongings are present, prior to the transport or release. The prisoner shall sign his/her name and date the form, in the prescribed locations. The form shall be made part of the police report. A Supervisor shall be immediately notified if any discrepancies are discovered, or if the prisoner alleges personal property is missing or damaged.

2. If the prisoner is being released to another police agency, or the State Marshal, the receiving officer will be given a copy of the prisoner's identification, suicide screening form, medical concerns, or security hazards. The receiving officer will sign for the prisoner.
3. Upon release from the Bridgeport Police Department, the detention officer shall note the time of release on the arrest module. The arrest module shall then be added to the incident report.

#### **R. Release Without Charges**

1. If someone is arrested based on the reasonable belief of an officer at the time, but further investigation or additional information reveals that sufficient probable cause no longer exists, the officer's Division Commander will be immediately notified.
2. Once this situation is determined the supervisor must cause the arrested individual to be released immediately and:
  - Inform the person that he or she does not have to appear in court;
  - Not require the person to sign a promise to appear form; and
  - Will not submit a Uniform Arrest Report (UAR) to the court.
3. The arresting officer(s) shall draw a file number and complete an incident report describing, in detail all facts and circumstances concerning the arrest and subsequent release of an individual.
4. The arresting officer shall complete a written report detailing all facts and circumstances of the incident.
5. Division Commander will prepare the supplementary investigation report.
6. A copy of all reports shall be forwarded to the following:
  - The Chief of Police
  - The Assistant Chief
  - The Deputy Chief
  - The Deputy Chief in charge of the Division to which the Officer is

assigned

- The Commanding Officer of the affected Division
- The Record Room
- The Office of Internal Affairs
- The Office of the City Attorney

7. A copy of the arrest report, which includes the reason for the release, will be submitted to the State's Attorney's Office at GA #20.

#### **S. Supervisor Responsibility**

The on-duty supervisor is responsible for ensuring that all necessary paperwork is fully and properly completed and that all established arrest processing procedures have been followed prior to allowing the detainee to be released.

#### **T. Arrest of a Police Officer**

All reports of possible criminal activity implicating sworn law enforcement officers shall be received, documented, and fully investigated by a supervisor, regardless of the involved officer's jurisdiction.

1. In all cases, the Chief of Police shall be immediately notified. The Chief shall, at his or her discretion, refer the matter to the Bridgeport Police Department, Office of Internal Affairs to begin an investigation into the possible violation of Department policies and practices. The Chief of Police may also cause a criminal investigation to be initiated by Office of Internal Affairs. In the event a conflict of interest may exist, the Chief of Police may refer the matter to the Connecticut State Police or Office of the State's Attorney for further investigation. In the event the matter involves allegations of federal crimes, the Chief of Police may refer the matter to the Federal Bureau of Investigation or the Office of the United States Attorney for further investigation.
2. Officers responding to calls for service who determine that a sworn law enforcement officer(s) is involved in alleged criminal activity shall immediately notify and request a supervisor to respond to the scene . The supervisor shall conduct the investigation and, if probable cause exists, make an arrest. If the offender is not on scene, the supervisor shall ensure that the appropriate information is obtained, a search is conducted, when necessary, and an arrest warrant is obtained. The investigating supervisor shall not report off duty until either an arrest is made, an arrest warrant referral to the Detective Bureau has been made, or such investigation is assumed by another ranking officer or relieved by a high ranking officer.

3. Whenever a sworn member of the Bridgeport Police Department is arrested, the on-duty shift commander shall relieve the accused officer of their service weapon and electronic control weapon, if applicable. If the individual under arrest is a member of another law enforcement agency, the Chief of Police or his designee shall notify the Chief of Police, Special Agent-in-Charge, etc. or his designee at that agency of the arrest of one of its members. At the request of that agency, the arrested officer's service weapons may be seized. Any other weapons owned by or at the disposal of the arrested officer, regardless of whether the officer is a member of the Bridgeport Police Department, should be removed when such removal is authorized and in accordance with the law.
4. The Supervisor assuming the role of primary investigator shall be at least one rank above the involved Officer, or in instances where this is unfeasible, the on-duty Patrol Shift Commander shall assume the role of primary investigator. This shall not prevent the investigating supervisor from utilizing investigative resources that may be provided by members of a lower rank.
5. If the officer arrested is member of the Bridgeport Police Department, the Office of Internal Affairs or a supervisory investigator will conduct a separate administrative investigation. The officer will be placed on administrative leave pending the outcome of the internal investigation.
6. Whenever a sworn member of the Bridgeport Police Department is arrested, that member's commanding officer shall be notified as soon as possible to allow the commanding officer to arrange for coverage of the sworn member's shift, duties, and responsibilities.
7. Media and public inquiries regarding the arrest of sworn law enforcement personnel by the Bridgeport Police Department shall be directed to the Office of the Chief of Police. Only the Chief of Police, the Chief's designee, or the Public Information Officer shall provide information to the media and or public regarding such issues.