



SAN JOSE POLICE DEPARTMENT

TRAINING BULLETIN

TO: ALL DEPARTMENT PERSONNEL

FROM: Paul Joseph
Acting Chief of Police

**SUBJECT: PLACEMENT OF LOW-LEVEL
NARCOTICS ARRESTEES AT
MSRS**

DATE: May 2, 2024

Bulletin #2024-007

On October 16, 2023, the San José Police Department began a pilot program that gives SJPD officers the option of taking first time misdemeanor Driving Under the Influence (DUI) arrestees to the Mission Street Recovery Station (MSRS) in lieu of booking them into Santa Clara County Jail. That program has been hugely successful.

Local data suggests that a similar program for low-level narcotics offenders can be equally successful. Many narcotics offenders are either cited and released in the field or only held in jail for a short period of time, which often leads to repeat offenses.

Beginning on May 3, 2024, SJPD will begin a pilot program that will give officers the option of taking low-level misdemeanor narcotics offenders to the MSRS in lieu of citing and releasing them in the field or booking them into jail. The offenses that qualify for the pilot are:

1. 11550 H&S – under the influence of a controlled substance
2. 11377 H&S – possession of a controlled substance (synthetic)
3. 11350 H&S – possession of a controlled substance (not synthetic)
4. 11364 H&S – possession of drug paraphernalia
5. 4060 B&P – possession of prescription medication without a prescription
6. 11375 H&S – possession of other specified medications without a prescription

Having an alternative to in-field cite-and-release or incarceration for narcotics offenses will keep the community safe, hold offenders accountable, provide them with resources to help change their behavior, and put police officers back into the beat structure in a timely fashion.

As with the DUI pilot, the decision of whether or not to offer placement at the MSRS in lieu of booking is at the discretion of the officer and should be made on a case-by-case basis. Not all narcotics arrestees should qualify for placement at the MSRS. For example, the following types of arrestees should be booked into jail:

- Arrestees who have additional bookable charges;
- Arrestees who are non-compliant;
- Arrestees who have warrants for their arrest that are not eligible for cite and release;

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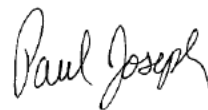
- Arrestees who cannot be properly identified;
- Arrestees who request to be booked.

Arrestees who are on the MSRS prohibited list can be either booked into jail or cited and released, depending on the circumstances. Additionally, officers can and should choose the booking alternative any time they feel that booking the arrestee into jail is in the best interest of the arrestee or the public. Officers are encouraged to call MSRS staff [REDACTED] to ensure eligibility of the arrestee and availability of space.

As one of the benefits of this program, officers will be able to use the facilities at MSRS to collect urine and/or blood samples from arrestees (See SJPd Duty Manual Revisions Memorandum 2024-009 - Appropriate Locations For Chemical Tests). MSRS staff will show the officer and arrestee to the areas of the facility that are designated for the collection of chemical samples and provide them with privacy. All other parts of the criminal investigation, including interviews and exercises for objective symptoms of narcotics influence should be done prior to transporting the arrestee to MSRS. All samples will need to be booked into Alcohol Investigation Bureau (AIB) by the end of the officer's shift.

After the arrestee has been checked into the MSRS, the officer will issue a criminal citation to the arrestee and mark the "pre-booking required" box on the criminal citation. Arrestees will be required to "pre-book" at the SJPd prior to their arraignment date. Instructions on how to pre-book will be provided to MSRS staff, who will help the individual through the process. There is no need for the arresting officer to complete a booking sheet or a felony affidavit.

[REDACTED] the Narcotics Case Education detail, will attend patrol briefings in the near future to provide further information and answer any questions. [REDACTED] will also conduct case management to ensure that offenders are held accountable. Officers are encouraged to [REDACTED] with any questions [REDACTED]



Paul Joseph
Acting Chief of Police

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