

DETAINING PRISONERS

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I. GENERAL CONSIDERATIONS AND GUIDELINES

While being held in police custody, the well-being of all detainees is the responsibility of the department. Even though prisoners are normally housed for only short periods of time, the environment of police lockups can become volatile and emotionally charged, as evidenced by incidents of prisoner suicide and injury. Post-arrest detention is a time when the emotional impact of the arrest becomes evident to many prisoners. Particularly prone to actions which may cause injury to themselves or others are persons with mental illness, persons who are intoxicated due to drug or alcohol use, drug addicts, and persons who have other arrest warrants against them. Strict adherence to procedures governing monitoring of prisoners and the bringing of weapons and tools into the cell block area is necessary to ensure facility security and prisoner well-being.

II. POLICY

It is the policy of this department to:

- A. Operate the holding facility in a manner which ensures detainee and officer safety and protects the constitutional rights of detainees.

III. PROCEDURES

A. Entering Cell Area

1. Firearms must be secured according to current department procedures, before entering the cell block area while persons are being detained. [72.4.1]
2. An officer may only enter an occupied cell when: [72.4.2]
 - a. At least one other officer is present;
 - b. Being monitored by audio-visual equipment;
 - c. Carrying a panic alarm;
 - d. A medical or other emergency exists; or
 - e. Releasing a prisoner from custody.
 - f. Providing food/water to prisoner.
3. Whenever an officer closes a cell door to incarcerate a person, [s]he shall test the door to be sure it is securely locked. Any problems in securing a cell door shall be reported to the officer-in-charge, who will file a written report to the chief of police or his/her designee. [72.4.4]
4. No tools are allowed in the cell block without the specific authorization of the officer-in-charge.

B. Prisoner Monitoring

1. There shall be a 24-hour per day supervision of detainees by department staff. [72.8.1]
 - a. The officer-in-charge shall be responsible to ensure that a physical check is made of each detainee at least every 15 minutes whenever a detainee is being held there and that the checks are properly recorded. The holding facility shall have an electronic security device which will record the date and time of day of each cell check.¹

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- b. It will be up to the discretion of the officer-in-charge to determine if constant or more frequent than the 15-minute monitoring of a detainee is needed, particularly when a potentially suicidal person is being held in the holding facility.
 - c. Upon each change of shifts, the incoming officer-in-charge shall be informed by the officer-in-charge [s]he is relieving as to the number of persons being detained in the holding facility. The incoming officer-in-charge shall do a physical check to verify the number of persons being held. In any event, such detainee count shall be done at least once every eight hours.
 - d. Detainees should be supervised by department staff of the same sex as the detainee. When this is not possible, there should be at least two employees present during all contact with detainee(s) of the opposite sex. Employees monitoring detainees of the opposite sex shall respect the detainee's privacy rights within the limits of facility security. A matron shall supervise all female detainees at all stations to which a matron is assigned.² [72.8.3]
2. Unless at least one cell is within audible range of the duty desk, at least one cell shall be equipped with an electronic audio system.³
 - a. Any video monitors and audio listening devices installed in the cell block areas shall be turned on whenever a person is placed into one of the cells in the holding facility and shall be left on as long as anyone is being detained there.
 - b. It is the responsibility of the officer-in-charge to ensure the proper monitoring of all persons held in the holding facility.
 - c. There is no attempt in this procedure to violate the personal privacy rights of individuals held in the facility. Therefore: [72.8.2]
 - i. When a detainee speaks to his/her attorney, the audio listening devices will be turned off during the visit. [72.7.1(c)]

- d. The surveillance devices are never to be used for covert purposes.

C. Bail and Arraignment [72.7.1(a)(b)]

1. All persons arrested without a warrant must have a probable cause determination by a clerk/magistrate within twenty-four (24) hours if not released on bail within this time period in accordance with *Jenkins*.⁴
2. If the court is not in session when the booking process and all related reports are completed, the arrestee shall be confined in the holding facility until bail can be arranged, or if bail cannot be arranged, until the next session of the court. It shall be the responsibility of the officer-in-charge to ensure that an arrestee's opportunity to make bail is not impeded.

D. Sanitary Conditions

1. It shall be the responsibility of the officer-in-charge to assure that the conditions of all occupied cells remain sanitary while being occupied. This includes seeing to it that a cell is returned to its original state upon the release of a detainee.

E. Meals

1. No utensils or metal containers are allowed in the cell block area without specific authorization from the officer-in-charge.
2. Three meals will be provided to each detainee during each 24-hour period. Meals shall be provided at regular meal times, however no more than fourteen hours shall elapse between any meal. The meals should be substantial enough to provide adequate nourishment for the detainee.⁵
[72.7.1(f)]
3. Meals and food may be brought in to a detainee by a family member or friend at the discretion of the officer-in-charge. All meals or food shall be subject to search by the officer-in-charge prior to being allowed into the Holding Facility.

4. It shall be the responsibility of the officer-in-charge to see that all containers are removed from the cell upon completion of the meal.
5. Any special diet that is required in accordance with treatment prescribed by a licensed physician will be granted whenever possible within the parameters of cost effectiveness and available resources.
6. A record of meals served shall be kept.

F. Medical Care [72.6.1]

1. No department employee shall be allowed to go beyond the scope of his/her training in administering to the emergency or special medical needs of any person held in the custody of this department. This scope is determined by the level of emergency medical training of the individual members of the department (i.e., CPR, First Responder, EMT, etc.).
2. An ambulance shall be called when any detainee requests and/or is deemed in need of medical attention. A notation shall be made on the intake form of all medical assistance received by a detainee.
3. When transfer of a detainee to an area hospital is necessary, [s]he shall be transported by ambulance to the Emergency Room of the nearest or departmentally specified hospital. When transporting by ambulance, a police officer shall accompany the ambulance attendants.
4. **MEDICATION:** Detainees are permitted to take any necessary medication, over-the-counter or prescription specifically prescribed in writing by a licensed medical provider, provided that the administration of the drugs is requested by the detainee. [72.6.5]
 - a. Only the quantity of medication specified by the prescribing practitioner shall be given to the detainee.
 - b. Any medications brought in by a detainee, or given to him/her in the course of any treatment [s]he may require while in department custody, shall be retained with the detainee's property.

- c. If there is any question concerning the administration of medications, the officer-in-charge may either confer by telephone with a qualified medical physician or pharmacist before administering the medication or the detainee may be transported to the hospital and the medication administered there.
- d. The officer-in-charge is responsible for distributing the appropriate dosage of medications as noted on the label to the detainee and must witness the detainee taking the medication.
- e. A written record of any medications administered to a detainee shall be maintained.

NOTE: G.L. c. 94C, § 9 prohibits the administration of a controlled substance by non-licensed persons. This policy simply affords a detainee the opportunity to self-administer prescribed medicine in accordance with label directions.

G. Access to Cell Block Area and Visitation Rights
[72.8.5]

1. All access to the holding facility by non-police personnel shall be limited to those individuals approved by the officer-in-charge and each visitor shall:
 - a. Show positive picture identification, preferably a driver's license;
 - b. Be notified prior to gaining access to the cell block area that [s]he and his/her belongings are subject to a search and, at the discretion of the officer-in-charge, submit to a such search upon entrance to and exit from the area; and
 - c. Sign-in and record name, address, and relationship to the prisoner.
2. **RECORD TIME:** The officer-in-charge shall be responsible to ensure that the time the visitor enters and leaves the cell block is recorded.

3. MONITORING: An officer shall be in the cell block area during any visit, except an attorney's visit with his/her client.
4. ITEMS/BELONGINGS [72.8.4]
 - a. No personal belongings (including pocketbooks and backpacks) of visitors are allowed into the cell block.
 - b. Any mail or packages to be given to a detainee shall be examined thoroughly by the officer-in-charge, before given to the prisoner. [S]he shall have full authority to prohibit mail, a package, or any item in a package, from being delivered. A list of authorized items will be prepared. *[Insert authorized items]* [72.8.4(a)(b)]
 - c. A record shall be made of all items received by the detainee in his/her property record. No item will be given to a detainee without the approval of the officer-in-charge. [72.8.4(c)(d)]
5. APPROVED VISITORS
 - a. Immediate family members.
 - b. Detainee's attorney. The officer-in-charge shall ensure that detainees have confidential access to their attorney. [72.7.1(c)]
 - c. Relatives who are not immediate family or friends of the detainee do not have visitation rights. It will be the decision of the officer-in-charge regarding any special or extenuating circumstances which might justify such individuals being allowed to visit the detainee.
 - d. Members of the media shall have access to the cell block area only when the area is unoccupied, unless specifically authorized by the chief of police.
 - e. Tour groups shall be allowed in the cell block area only when the cell block is unoccupied.

H. Suicidal Detainees

1. Any detainee who exhibits any signs or symptoms of suicidal behavior or whose name appears on the Q5 query, shall be put on an immediate suicide watch until transported to the nearest available hospital or medical facility for evaluation. In the event that an individual brought to a hospital or medical facility for evaluation is returned to the holding facility for detainment, the officer-in-charge shall institute a suicide watch until such time as the detainee is released from custody or transferred to another agency.
2. Whenever any detainee attempts or threatens suicide within the holding facility, the officer-in-charge shall, within twenty-four hours of such incident, record in CJIS the name, address, and age of the detainee, the charge or reason for detention, and the nature and date of the attempt or threat.⁶

I. **Handling Violent, Intoxicated, etc. Persons** [72.5.5]

1. Any detainee who is uncontrollable due to the influence of alcohol or narcotic drugs, or is violent or otherwise self-destructive, shall, if transportation or removal to a detoxification or other mental health facility is not feasible, be isolated as deemed appropriate by the officer-in-charge.
2. Under no circumstances shall this type of detainee be placed in a cell occupied by another person. If segregation of the detainee into a single occupancy cell is not deemed or found to be sufficient for protection of the detainee or the facility, the officer-in-charge shall take such action as is legal, safe, and effective to restrain any actions by the detainee that would be detrimental to himself/herself, other occupants, the police officers on duty, and/or the facility. In cases where the detainee's actions pose a definite threat to the security of the holding facility, the officer-in-charge shall attempt to make arrangements with corrections officials for immediate transfer to their custody.
3. Segregation shall not involve any other penalty other than the segregation itself. There shall be no abridgment of rights or privileges that would normally be granted to any other detainee.
4. All actions of segregation shall be reported according to current departmental procedures.

5. There shall be continuous monitoring of this type of individual through video and/or audio monitors or continuous personal observation.
6. At no time, shall an unresponsive or unconscious person be placed into a holding cell. In the case of an unresponsive or unconscious prisoner, EMS will be notified immediately and medical attention will be administered.

J. **Release of a Detainee**

1. Any detainee who is unknown to the personnel on duty at the station should be required to provide positive identification, preferably a driver's license, before being released from the holding facility. [72.5.8]
2. All personal property taken from a detainee shall be returned to the detainee upon release from custody. [72.5.9]
 - a. All items shall be compared to the items listed on the inventory report and the individual shall be requested to sign the form indicating that [s]he has received the property. A refusal to sign shall be noted in writing on the inventory report.
 - b. Any items which were held for evidence or as contraband shall be indicated on the inventory report.
3. The medical screening information shall be rechecked and any changes from the condition at entry shall be noted on the intake form. An inquiry shall be made as to the origin of any changes in condition and the answers shall be documented on the intake form. [72.6.3]
4. The cell shall be searched for weapons, contraband and damages and the detainee charged for any damage. Any unusual conditions shall be reported to the chief of police or his/her designee. [72.4.5]
5. See departmental policy **Transportation of Prisoners** for procedures to follow when a detainee is transferred to another agency or to court.
6. See departmental policy **Handling Juveniles** for procedures to follow when a juvenile is to be released.

K. Escapes

1. In the event of an escape of a detainee from the department's holding facility: [72.4.10]
 - a. The dispatcher shall immediately broadcast to all patrol units the name and a description of the escapee, the estimated time of escape, whether armed, and whether on foot or in a vehicle, the possible direction of travel, and any other pertinent information;
 - b. The dispatcher shall then broadcast the same information to other area departments and agencies over the radio system;
 - c. As soon as possible, a message shall be sent over the CJIS system, advising other departments and agencies of the situation;
 - d. An immediate search shall commence under the direction of the officer-in-charge and the patrol supervisor; and
 - e. Should the escapee be caught, the dispatcher shall notify other law enforcement agencies of this fact through the appropriate communications channels, according to the time frame of the capture.

¹ M.G.L. c. 40, s. 36B

² M.G.L. c. 147, s. 19

³ M.G.L. c. 40, s. 36B

⁴ *Jenkins v. Chief Justice of the Dist. Ct. Dept.*, 416 Mass. 221, 619 N.E.2d 324 (1993)

⁵ M.G.L. c. 40, s. 34

⁶ M.G.L. c. 40, s. 36A