



MEDFIELD POLICE DEPARTMENT

POLICY NO. 3.04

HOLDING DETAINEES

MASSACHUSETTS POLICE ACCREDITATION STANDARDS

REFERENCED: **72.4.1, 72.4.2, 72.4.4, 72.4.5,
72.4.10, 72.5.1(d), 72.5.4, 72.5.7, 72.5.7, 72.6.1,
72.6.3, 72.6.5, 72.7.1, 72.8.1, 72.8.2, 72.8.3, 72.8.4,
72.8.5**

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Michelle Guerette
Chief of Police

BACKGROUND:

The well-being of all detainees is the responsibility of the Medfield Police Department. Even though detainees are normally housed for short periods of time, police lockups can become volatile and emotionally charged, as evidenced by incidents of detainee suicide and injury. Post-arrest detention is a time when the emotional impact of the arrest becomes evident to many detainees. 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 are particularly prone to actions which may cause injury to themselves or others. To ensure facility security, strict adherence to procedures controlling the monitoring of detainees, and bringing of weapons and tools into the cell block area is necessary for officer safety and the wellbeing of the detainees.

POLICY:

It is the policy of the Medfield Police Department to operate the holding facility in a manner that ensures detainee and officer safety, and protects the constitutional rights of detainees.

PROCEDURES:

Entering Cell Area

Firearms must be secured in the firearm locker before entering the cell block area while persons are being detained. **[72.4.1]**

Exceptions to this rule may be made in certain emergency situations such as:

1. Escape;
2. Officer in trouble;
3. Hostage situations; and
4. At the discretion of the Shift Commander.

In case of medical emergencies, weapons shall be secured in one of the lockers provided. In cases where there is a need to evacuate prisoners due to an emergency, officers do not need to secure their weapon in said lockers. If prisoners are evacuated under emergency circumstances they shall be secured temporarily in the caged area of a police cruiser until they can be transported to another facility or returned to the cell block.

An officer may only enter an occupied cell when: **[72.4.2]**

1. At least one other officer is present; or
2. Being monitored by audio-visual equipment; or
3. A medical or other emergency exists; or
4. Releasing a prisoner from custody.

Whenever an officer closes a cell door he shall test the door to be sure it is locked. Any problems securing a cell door shall be reported to the Shift Commander, who shall file a written report to the Chief of Police or his designee. **[72.4.4]**

Detainee Monitoring [72.8.1]

There shall be 24-hour per day supervision of detainees by Department personnel.

The Shift Commander will be responsible for ensuring that a physical check is made of each detainee a minimum of every 30 minutes whenever a detainee is being held, and the checks shall be 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 In the

¹ M.G.L. c. 40, s. 36B

event that such device is not functioning properly, checks will be recorded in the dispatch log.

It will be up to the discretion of the Shift Commander to determine if constant or more frequent monitoring of a detainee is needed, particularly when a potentially suicidal person is being held in the holding facility.

At shift change the incoming Shift Commander shall inform the outgoing Shift Commander of the number of persons being detained in the holding facility. The incoming Shift Commander shall do a physical check to verify the count.

It is the responsibility of the Shift Commander to ensure the proper monitoring of all persons held in the holding facility. 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. **[72.4.8]** Department personnel shall respect the personal privacy rights of individuals held in the facility within the limits of facility security **[72.8.2]**.

When direct contact with a detainee is needed in the cell block an officer or employee of the same sex will be present when feasible. Male officers will supervise male detainees and female officers will supervise female detainees if time and circumstances allow. In addition, video recording equipment will be used to monitor activity within the cell block and holding cells. **[72.8.3]**

When a detainee speaks to his attorney, the audio listening devices will be turned off during the visit. In the event that the device cannot be turned off, the attorney shall be informed. **[72.7.1(c)]**

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

All persons arrested without a warrant must have a probable cause determination (Jenkins Hearing) by a clerk/magistrate within twenty-four (24) hours if not released on bail within this time period. The Shift Commander on duty is responsible for contacting an Assistant Clerk Magistrate from the Wrentham District Court to conduct a Jenkins Hearing for any prisoner in custody before this time period expires. (Jenkins v. Chief Justice of the Dist. Ct. Dept., 416 Mass. 221, 619 N.E.2d 324 1993)

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 Shift Commander to ensure that an arrestee has a timely court appearance and/or the opportunity to make bail is not impeded.

Sanitary Conditions

It shall be the responsibility of the Shift Commander 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 condition upon the release of a detainee. Each cell is equipped with a toilet and access to water. **[72.5.6]**

Meals

Three meals will be provided to each detainee during each 24-hour period. Meals shall be provided at regular meal times and no more than fourteen hours shall elapse between any two meals. The meals should be substantial enough to provide adequate nourishment for the detainee.² The serving of each meal will be logged. **[72.7.1(f)]**

No utensils or metal or plastic containers are allowed in the cell area without specific authorization from the Shift Commander. It shall be the responsibility of the Shift Commander to see that all containers are removed from the cell upon completion of the meal. **[72.4.7]**

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.

Medical Care [72.6.1] [72.6.3]

No Department employee shall be allowed to go beyond the scope of his training when 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.).

An ambulance shall be called when any detainee requests and/or is deemed in need of medical attention. A notation shall be made in the log and on the Prisoner Assessment Form of all medical assistance received by a detainee.

When transfer of a detainee to an area hospital is necessary, he shall be transported by ambulance to the emergency room of an area hospital. When transporting by ambulance, a police officer shall accompany the ambulance attendants.

Detainees are permitted to take any necessary medication specifically prescribed in writing by a licensed medical provider, provided that the administration of the drugs is requested by the detainee. Medication will be administered under following procedures: **[72.6.5]**

1. The Shift Commander shall confirm that any medication to be given is what the bottle says it is. He may then give the detainee the quantity specified by the prescribing practitioner.
2. If there is any question concerning the administration of medications, the Shift Commander 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 can be administered there.

²M.G.L. c. 40, s. 34

3. Any medications brought in by a detainee, or given to him in the course of any treatment he may require while in Department custody, shall be retained with the detainee's property.

4. A police officer must witness the detainee taking the medication.

5. A written record of any medications administered to a detainee shall be maintained in the log and on the Prisoner Assessment Form.

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.

Access to Cell Block Area and Visitation [72.8.5]

Clothing and reading material only may be accepted for a detainee if approved and inspected by the Shift Commander. No other items are authorized. A record shall be made of any items received by the detainee in his property record. All received items will be inspected. Items will be stored with the detainee's property or may be given to the detainee with approval from the Shift Commander. **[72.8.4(a-d)]**

Access to the holding facility by non-police personnel shall be limited when it is occupied to attorneys representing detainees and medical personnel needed to treat a sick or injured detainee under the following conditions:

1. Medical calls in the cell block will be entered as part of the call log, to include the responding personnel or apparatus.

2. Two officers shall be in the cell block area during any medical call, when feasible.

4. The Shift Commander shall ensure that detainees have confidential access to their attorney. Access will be provided in the attorney interview area. The visiting attorney's name will be entered into the log, along with the time he arrives and departs. Attorney/client consultations may take place as authorized by the Shift Commander. All interactions will be monitored by video. **[72.7.1(c)]**

5. Members of the media may have access to the cell block area only when the area is unoccupied, and when authorized by the Chief of Police.

6. Tour groups shall be allowed in the cell block area only when the cell block is unoccupied and when authorized by the Chief of Police.

Suicidal Detainees

Whenever any detainee attempts or threatens suicide within the holding facility, the Shift Commander 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,³ and shall put the detainee on an immediate suicide watch until such time as the detainee is released from custody or transferred to another agency.

Handling Violent, Intoxicated, etc. Persons [72.5.4]

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 in a cell or in a manner deemed appropriate by the Shift Commander.

There shall be continuous monitoring of this type of individual through video and/or audio monitors, or continuous personal observation.

Release of a Detainee

Any detainee who is unknown to the personnel on duty at the station shall have their identity confirmed via a state issued form of identification, by verification of the booking photograph, or through finger printing prior to their release. **[72.5.7]**

All personal property taken from a detainee shall be returned to the detainee upon release from custody. 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 he has received the property. A refusal to sign shall be noted in writing on the inventory report. Any items which were held for evidence or as contraband shall be indicated on the inventory report. **[72.5.1(d)]**

Upon removal from a cell, and prior to the detainee's release, the cell shall be searched by the releasing officer for weapons, contraband and damages. The detainee shall be charged for any damage. Any unusual conditions shall be reported to the Shift Commander. **[72.4.5]**

NOTE: See departmental policy **Transportation of Prisoners** for procedures to follow when a detainee is transferred to another agency or to court. See departmental policy **Handling Juveniles** for procedures to follow when a juvenile is to be released.

Escapes

In the event of an escape of a detainee from the Department's holding facility: **[72.4.10]**

1. 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

³M.G.L. c. 40, s. 36A

on foot or in a vehicle, the possible direction of travel, and any other pertinent information;

2. The dispatcher shall then broadcast the same information to other area departments and agencies over the BAPERN radio system;

3. As soon as possible, a message shall be sent over the CJIS system, advising other departments and agencies of the situation;

4. An immediate search shall commence under the direction of the Shift Commander and the patrol supervisor; and

5. Should the escapee be caught, the dispatcher shall notify other law enforcement agencies of this fact through the appropriate communications channels.

