

# Model Policy

<i>Effective Date</i> <b>October 2014</b>		<i>Number</i>
<i>Subject</i> <b>Holding Facilities</b>		
<i>Reference</i>		<i>Special Instructions</i>
<i>Distribution</i>	<i>Reevaluation Date</i>	<i>No. Pages</i> <b>5</b>

## I. PURPOSE

The purpose of this policy is to establish guidelines for the management and administration of this agency's detainee holding facility to include the security, control and care of detainees housed therein.

## II. POLICY

It is the policy of this law enforcement agency to provide secure temporary holding facilities for detainees held for interrogation, arrest processing, transfer to another facility, or pursuant to another legal proceeding, and to maintain these facilities in a sanitary and safe manner.

## III. DEFINITIONS

*Detainee:* Any person in the custody of this department, regardless of adjudication status.

*Holding Facility:* A short-term (length of time not to exceed 72 hours) confinement area for persons under arrest or awaiting a decision to release or transfer to another secure facility.<sup>1</sup>

## IV. PROCEDURES

### A. Administration

#### 1. Supervision

A supervisor shall be responsible for the holding facility to ensure that security, sanitation, maintenance, and safety of staff, detainees and property are maintained at all times.

#### 2. Inspections

a. The holding facility shall be maintained at all times in a clean and sanitary condition. The holding facility supervisor or his or her designee shall conduct periodic and unscheduled inspections of the holding

facility sufficient to ensure continued adherence to agency operating policy and procedures.

b. Periodic inspection reports shall identify any conditions that are unsafe or unsanitary and provide time frames for correction or recommendations for equipment or facility improvements necessary to rectify the problem.

### B. Safety and Emergency Standards

#### 1. Fire

a. The holding facility shall be equipped with smoke detection devices approved by local or state fire officials.

b. The type and location of fire suppression equipment shall be approved by local or state fire officials.

c. All fire detection and suppression equipment and fire alarm devices shall be tested and/or certified on at least a monthly basis, unless otherwise specified

#### 2. Evacuation Plan

An evacuation plan, in accordance with local or state standards, shall be approved by the agency chief executive or other designated official, to facilitate appropriate response to fire emergencies and other natural disasters, such as floods, tornados, and earthquakes.

#### 3. Suicide Prevention

The holding facility supervisor shall develop and the chief executive or other designated official, shall approve suicide prevention protocols, to include physical facility design and agency response mandates to suicides or attempts.

4. Sudden Deaths
 

All sudden, unattended deaths shall be investigated according to protocols and procedures as previously established by this department and state or local authorities.
  5. Detainees with Illness, Injury, or Disability
 

The holding facility is not equipped to treat detainees requiring medical attention. Therefore:

    - a. No detainee shall be booked into the holding facility or otherwise held by this agency who has injuries or illnesses that require immediate medical attention. This includes obvious injuries or illness, as well as situations in which arrestees
      - (1)suffer from extreme alcohol intoxication or possible drug overdose,
      - (2)exhibit symptoms consistent with severe mental disorder,
      - (3)have indicated intentions of committing suicide or shown signs of being a suicide risk, or
      - (4)exhibit symptoms or report conditions of possible contagious disease.
    - b. Minor injuries that do not require transport to a medical care facility may be treated by trained EMS personnel at the holding facility.
    - c. If the severity of medical conditions is unclear or if a detainee requests medical attention, he or she shall be transported as soon as possible to this agency's designated emergency care provider. Security of detainees shall be provided during transport and while at a medical care facility.
    - d. Continued detention of a detainee at a medical care facility is permitted only with the approval of a physician or qualified medical care professional. Once the detainee has been discharged, he or she will be transported back to the holding facility.
    - e. Officers shall communicate any and all information relating to detainee injuries or illnesses not requiring immediate medical attention to the booking officer or other appropriate holding facility personnel and shall note this information in a report.
  6. Riot and Assault
    - a. The agency shall establish plans and procedures for quelling disturbances by detainees and/or assaults upon officers, other agency personnel, or fellow detainees.
    - b. The plan shall include authorization for use of various types of force (e.g., carotid neck restraint, pepper spray, electronic control weapon) in response to the threat encountered.
    - c. Officers are authorized to restrain uncontrollable detainees in accordance with this agency's use of force policy.
  7. Detainee Escape
    - a. Detainee escapes shall be reported immediately to the officer in charge and the agency's communications center. This includes instances in which a detainee is mistakenly released.
    - b. The identity, description, and suspected offenses of any escapee shall be relayed to all duty personnel and to adjoining jurisdictions, as quickly as possible.
    - c. The officer in charge shall coordinate intelligence gathering, public notification and search procedures among agency personnel, other law enforcement authorities, and the media, as deemed appropriate, based on the escapee's prior criminal record, access to weapons, etc.
    - d. The holding facility shall be locked down as soon as soon as the escape has been reported, all detainees accounted for, and all security doors and devices inspected to ensure proper functioning.
    - e. A complete investigation of the circumstances surrounding the escape shall be conducted and a full report with recommendations shall be provided to the chief executive officer and other entities as necessary according to established protocols.
  8. Sexual Abuse and Sexual Harassment
    - a. This department has a zero tolerance policy concerning any sexual abuse or sexual harassment.<sup>2</sup>
    - b. The agency shall develop plans and procedures for the prevention, detection, and response to sexual abuse and sexual harassment of detainees, either by other detainees or by staff, volunteers, or contractors in accordance with the Prison Rape Elimination Act (PREA) standards for lock-ups.<sup>3</sup>
    - c. Detainees shall be informed, either verbally or through written materials, of this policy and of the available reporting procedures. This notification shall be documented in the detainee's booking record.
- C. Processing
1. The booking officer shall assume control of all detainees brought into the facility for detention.
  2. The booking officer shall complete a detention record for all persons detained in the holding facility in accordance with agency policy. The record shall include biographical information

- on the detainee, offense charged or reason for detention, a complete physical description of the detainee, and any reported and/or observed injuries or illnesses.
3. If the detainee is believed to be a threat to himself or herself, other detainees, or holding facility personnel, this information shall be noted in the booking record and displayed visibly outside of the holding cell.
  4. The booking officer shall ask the detainee if he or she is responsible for a child. If the detention creates an interruption in a child's supervision and care, the detainee shall be given reasonable opportunities to make alternative arrangements for such care if appropriate arrangements have not already been ensured by the arresting officer, other components of this department or through partner organizations. The name, address, and phone number of the caregiver shall be entered into the booking record.
  5. A property inventory report shall be completed reflecting all items brought by the detainee into the holding facility and should be signed by the detainee. All containers found on the detainee's person shall be opened for inventory, items tagged, and securely stored.
  6. A thorough search of all detainees shall be performed. A body cavity search may be performed, if criteria for the search meet this agency's policy and the search is conducted in accordance with established agency procedures.<sup>4</sup>
    - a. Unless exigent circumstances exist, searches shall be performed by personnel of the same sex as the detainee.
    - b. Transgender or intersex detainees shall not be examined for the sole purpose of determining genital status.<sup>5</sup>
  7. All detainees booked into the facility shall be photographed and fingerprinted. Fingerprints shall be processed and forwarded to both state and federal authorities for identification purposes. A thumbprint shall be retained for identification purposes upon release.
  8. A DNA sample shall be taken when authorized by law.
  9. All detainees shall be checked for outstanding warrants.
  10. Only authorized and properly trained personnel shall be allowed in the booking area.
  11. Handcuffs or other restraint devices, consistent with departmental policy, may be removed at the discretion of the booking officer based upon the conduct of the detainee, the offense for which the arrest was made, and related circumstances.
  12. Prior to placing a detainee in a cell, a search of the cell shall be conducted for weapons or contraband. Prior to release, a similar search shall be conducted to include inspection for property damage. Any discrepancy uncovered in these searches shall be brought to the attention of the officer in charge prior to cell assignment or release of a detainee.
  13. When making cell assignments:
    - a. Males and females shall be separated.
    - b. Juveniles shall be separated from adult detainees by sight and sound barriers.
    - c. An assessment shall be conducted for every detainee to determine his or her risk of either becoming a victim of abuse or engaging in abusive behavior. If determined to be vulnerable or hostile, the detainee should be housed in a cell alone.
  14. Detainees shall be informed that they may utilize the telephone and shall be allowed to do so following the booking process or within a reasonable amount of time after being brought to the holding facility.
  15. Detainees shall be brought before the appropriate court officer during the next scheduled session of the court or as soon as practical and in accordance with law and legal rules.
- D. Visitation
1. Attorneys, mental health personnel, and clergy shall be permitted access to detainees during pre-established hours.
  2. All persons seeking access to the holding facility shall be required to show proper identification and their visit shall be properly recorded in the visitation log.
  3. All persons seeking access to the holding facility are subject to search. Containers, including personal items such as handbags and briefcases, may not be carried into the holding facility, unless they have been inspected.
- E. Security and Control
- The holding facility supervisor shall be responsible for the security of the facility.
1. At the start of every shift, holding facility personnel shall ensure that all locking mechanisms, and audio and video monitoring devices are operational.
  2. Audio and video monitoring devices are employed for security and safety purposes. They shall not be used for monitoring detainee conversations with clergy, mental health or medical personnel, or attorneys.
  3. All keys or other means of access to cells and related security control points shall be strictly controlled and used only in accordance with procedures established by the facility supervisor.

4. Doors to vacant or unoccupied cells shall be locked at all times.
  5. Officers entering the holding facility shall secure their firearms, pepper spray canisters, electronic control weapons, and related weapons and sensitive equipment, in accordance with agency policy.
  6. Whenever possible, holding facility personnel should avoid unlocking or entering an occupied cell alone, particularly in situations when the detainee has been determined to be a threat risk to himself/herself or others. When necessary, the agency employee shall be monitored from a central point to ensure safety.
  7. Smoking is not permitted within the holding facility.
  8. Any periods of overcapacity shall be documented by the holding facility supervisor, to include the reasons for overcapacity, time period that the overcapacity lasted, as well as the actions taken to return to compliance.
  9. Mass arrest, booking and detention of detainees shall be handled in conformance with this agency's crowd management policy.
- F. Feeding Detainees
1. The holding facility supervisor, consistent with agency policy, shall ensure that all detainees are provided with sufficient food at appropriate intervals during their detention.
  2. Reasonable accommodations shall be made whenever possible to meet special diet requirements when prescribed by a physician, when verified as essential to the detainee's health, or to meet religious restrictions.
  3. Any culinary implements brought into the holding facility shall be recorded in and out through the booking officer or the officer in charge.
  4. No food or beverage shall be brought into the holding facility by visitors.
- G. Detainee Release
1. A detainee charged with a crime shall be released from custody only when
    - a. directed by proper legal authority;
    - b. he or she has been positively identified by photograph and thumbprint; and
    - c. at least two officers, preferably including a supervisor, have reviewed and authorized the release.
  2. Detainees shall be asked to sign the receipt for their personal property, after items have been compared against the original inventory log and found to be complete.
    - a. Any discrepancies shall be reported immediately to the holding facility supervisor or the officer in charge.
    - b. Refusal of the detainee to sign shall be noted by the releasing officer.
    - c. Items held as contraband or evidence shall be noted separately on the inventory report and held by the agency upon the detainee's release.
- H. Transferred Detainees
1. Authorities taking custody of transferred detainees shall be provided with all relevant information on the detainee, to include information on pending charges, illness or injury, suicide attempts or potential risks, use of illegal or prescription drugs, records of medical treatment or diagnosis, and potential for violence or escape.
  2. Detainee property shall be released to and signed for by the accepting authority after it has been audited.
- I. Training
- All personnel assigned to the holding facility shall receive training in the following:
1. safety and security procedures,
  2. holding facility operations,
  3. emergency evacuation procedures, equipment, and first aid;
  4. supervision of detainees;
  5. the effective and appropriate application of physical restraints and any use of force options authorized by the agency;
  6. searching and booking detainees;
  7. suicide prevention;
  8. responding to sexual abuse and sexual harassment consistent with the PREA standards for lockups;<sup>6</sup> and
  9. such other matters consistent with assigned responsibilities, or deemed necessary by the holding facility supervisor.

## ENDNOTES

<sup>1</sup> This time period may be extended in such cases where government offices are closed on a Friday or Monday, such as on a holiday.

<sup>2</sup> See §115.6 of the PREA standards (<http://www.prearesourcecenter.org/sites/default/files/library/2012-12427.pdf>), which provides the following definitions: Sexual abuse includes— (1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and (2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer. Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and (4) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation. Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident: (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; (2) Contact between the mouth and the penis, vulva, or anus; (3) Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (5) Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is

unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire; (6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1) through (5) of this definition; (7) Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and (8) Voyeurism by a staff member, contractor, or volunteer. Sexual harassment includes— (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and (2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

<sup>3</sup> For more information regarding PREA, please visit <http://www.theiacp.org/Elimination-of-Sexual-Abuse-in-Confinement-Initiative>.

<sup>4</sup> Any strip search must comply with applicable law and department policy. See the IACP *Model Policy on Strip and Body Cavity Searches* published by the IACP National Law Enforcement Policy Center, Alexandria, VA.

<sup>5</sup> If the detainee's genital status is unknown, it may be determined by reviewing medical records or, if necessary, by learning that information as part of a broader medical examination conducted in private by a health care professional.

<sup>6</sup> PREA training standards state that all employees and volunteers who have contact with detainees shall be trained on (1) the agency's zero tolerance of sexual abuse and sexual harassment in confinement policy; (2) dynamics of sexual abuse and harassment in confinement settings, including which detainees are most vulnerable in lockup settings; (3) right of detainees and employees to be free from retaliation for reporting sexual abuse or harassment; (4) how to detect and respond to signs of threatened and actual abuse; (5) how to communicate effectively and professionally with all detainees; and (6) how to comply with relevant law related to mandatory reporting of sexual abuse.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

This project was supported by Grant No. 2010-DJ-BX-K002 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice or the IACP.

IACP National Law Enforcement Policy Center Staff: Philip Lynn, Manager; Sara Dziejma, Project Specialist; and Vincent Talucci, Executive Director, International Association of Chiefs of Police.

© Copyright 2014. International Association of Chiefs of Police, Alexandria, Virginia U.S.A. All rights reserved under both international and Pan-American copyright conventions. No reproduction of any part of this material may be made without prior written consent of the copyright holder.