

Stowe Police Department

General Order: 2.06	Related General Orders:
Prisoner Detention and Lockup Facility	
This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.	
Applicable Vermont Statutes:	
Date Implemented: 05/22/2014	Date Revised:

I. PURPOSE:

1. To provide for the administration, processing, supervision, security, and inspection of prisoners and the lockup facility.

II. POLICY:

1. It is the policy of the Stowe Police Department that any person held in the processing room or incarcerated in the lockup cell will be afforded their rights under law, will be treated humanely, and will be provided with proper food, shelter, and if required, medical treatment.

III. PROCEDURE:

1. Supervisors are responsible for the management and operation of the processing room and the lockup cells.
2. All officers are responsible for the direct supervision and care of prisoners detained in the processing room and the lockup cells.
3. The front desk officer or in his absence the on-duty personnel will check the processing room and cell areas after maintenance workers or outside contractors have completed work in these areas to ensure that no tools or equipment were left behind.
4. All supervisors will ensure that all reports, records and documents pertaining to an arrestee are completed and checked for accuracy and completeness before forwarding them to records.

5. Training

- A. All Department personnel will receive the appropriate level of training in lockup operation procedures.
- B. All sworn personnel will receive instructions in prisoner processing and lockup cell operations.
- C. All personnel will receive instructions on monitoring prisoners.
- D. If there are any employees who do not work or come in direct contact with prisoners, will receive an orientation on the functions of the lockup area.

6. Prisoner Processing

- A. The maximum period of detention should not normally exceed 8 hours.
- B. When a prisoner is not confined to a locked cell, the officer will secure the prisoner to the chair or bench with handcuffs and/or transport belt.
- C. Officers will not leave a prisoner unattended while in the processing room. If the officer must leave the processing room for a brief period of time the prisoner will be secured to the chair or bench. If the prisoner will be left unattended for a longer duration then the prisoner will be placed in the cell lockup.
- D. All prisoners will be properly searched upon entering the processing room and lockup cell. All property will be removed from the prisoner and placed in a prisoner property tray. If the prisoner is not going to be released, the Department will hold the prisoner property for safe keeping. The officer will inventory the property and complete a Prisoner Property Form. (SPD Form 045)
- E. If there is more than one prisoner to be processed there must be a minimum of two officers in the booking room. Only one prisoner will be removed from the cell lockup at a time for processing purposes.

5. Prisoner property will be secured in prisoner property area in the evidence processing room for safekeeping when the prisoner is transferred to another facility to be lodged or held. The officer inventorying the property and the detainee will sign the Prisoner Property form to acknowledge items that were inventoried.

6. Members of this Department will complete all appropriate reports/forms/paperwork for any person(s) arrested and processed.

7. If a prisoner refuses to cooperate with the booking process, i.e., fingerprinting and photographing, or the prisoner's physical or mental condition inhibits processing, the officer will note it in his/her report.
8. All adults charged with a criminal custodial offense will be photographed. If unable to use the standard booking camera because of malfunction, because of the offender's condition, or location of the offender, officers may use a portable digital camera.
10. The apparent physical condition and demeanor of all prisoners placed into the lockup cell will be indicated in the officer's report. Apparent physical condition of the prisoner will include such comments as; violent, suicidal, injured (describe injury), addict, normal, or other conditions, as determined by the booking officer.
11. All prisoners placed in the processing room or lockup and juvenile detainees held in juvenile cell or temporary detention room will be logged on the Department Prisoner/Juvenile Holding Log. (SPD Form 040) The State Juvenile Detention Log is also required for any juvenile brought in and/or held in the Department.
12. Adult male prisoners will be segregated from females.
13. Juvenile prisoners will be held in a room separated by sight and sound from adults.
14. The officer will also notify the shift supervisor (if on-duty) that a prisoner is in the cell.
15. Prisoners who are under the extreme influence of alcohol or drugs, or who appear to be suicidal, violent, or have mental disorders, should be handled in the following manner:
 - A. Arrest processing should be completed only when it can be done safely. Sufficient personnel should be available in these situations.
 - B. Leg and hand restraints may be used for the protection of the prisoner and officers when necessary. A notation in the Prisoner/Juvenile Holding Log will be made whenever a restraint device is used and such use will also be recorded in the officer's report.
 - C. Information regarding the prisoner's conduct and condition shall be documented and provided to other agencies or facilities taking custody of the prisoner.
 - D. Officers will make more frequent inspections of such prisoners.
16. Before releasing a prisoner from custody the releasing officer must positively identify the prisoner as the one authorized to be released.

17. The releasing officer will make sure that an NCIC check had been done prior to releasing the prisoner to confirm the prisoner is not wanted in another jurisdiction.

18. The releasing officer will inspect the cell for damage. Any damage done by the prisoner will be reported and an additional offense report covering the damage will be completed and charges filed, when appropriate.

19. Prisoner property, except those items being held as evidence, will be returned to the prisoner upon his/her release.

20. If there is an arrest that exceeds the maximum capacity of our lockup cells the shift supervisor or arresting officer will contact a neighboring department/sheriff's office and request assistance in housing the excess prisoner(s). Whenever possible, prisoners should be processed at the police station before being transported.

21. Security and Control

- A. The lockup facility doors will remain closed and locked. Cell doors should be left open when the cells are unoccupied.
- B. A security check including searching for weapons and contraband will be made of each unoccupied cell before its use by the officer who will secure the prisoner in the cell.
- C. Before any prisoner is placed in the lockup cell the officer will search the prisoner again and also utilize the metal detector to scan the prisoner.
- D. The releasing officer will also check the cell for weapons and contraband upon releasing the prisoner.
- E. Entering an occupied cell is sometimes a dangerous situation. In an emergency it may be necessary for an officer to enter a cell alone to evacuate the prisoner. Depending on the circumstances, and considering why the prisoner is in custody, an officer may enter the cell to check the well being of the prisoner. When dealing with a prisoner being held for a serious offense, or is considered dangerous, an officer should not enter an occupied cell without assistance from another officer.
- F. Due to the temporary nature of the detention no personal items will be accepted for delivery to the prisoner. An officer may accept fresh clothing for the prisoner, however, the individual dropping off the fresh clothing **MUST** take the old clothing with them. These items will be properly searched and the activity logged on the Prisoner/Juvenile Holding Log.

22. Prisoner Supervision

- A. Prisoners detained at the police station lockup cells will be under constant supervision. At no time will a prisoner be left in the lockup without an officer in the building monitoring the prisoner. If a prisoner needs to be held in the lockup facility to wait release or transportation and the officer will monitor the prisoner with video and audio from their desk or work station.
- B. Juveniles accused of status offenses, i.e., running away, underage drinking, truancy, etc., and non-offenders **cannot** be securely detained in a cell or detention room.
- C. An inspection of each adult prisoner will be conducted every fifteen (15) minutes. High risk prisoners may require more frequent observation. Inspection of each juvenile prisoner will be made every fifteen (15) minutes. Officers who place a prisoner into the processing room and cell lockup will start a Prisoner/Juvenile Holding Log. An entry on the Prisoner/Juvenile Holding Log will be completed every time there is an inspection of the prisoner, or some other way there is an encounter with the prisoner, i.e., feeding, telephone calls made or attempted, contact with attorney or family member, processing, etc. The observation will be recorded on the Prisoner/Juvenile Holding Log, i.e., sleeping, eating, awake, etc., by the Officer. The Officer will log a prisoner check every fifteen (15) minutes with a visual check through the monitoring system. The Officer will conduct a physical check of the prisoner if there has been no movement of the prisoner for thirty (30) minutes. The shift sergeant or arresting officer may require additional checks or continual visual and audio monitoring if the prisoner is suicidal or other conditions require it.

23. Fire and Protection of Prisoners

- A. Fire prevention practices will include the following, at a minimum:
 - a. Smoking is prohibited in the entire Police Department facility.
 - b. All lighters and matches are confiscated from prisoners during search procedures.
 - c. Officers will be familiar with the location and use of fire extinguisher(s) near the holding facility.
- B. Fire extinguishers are strategically located in cabinets and marked as such throughout the building.
- C. At the sounding of a fire alarm or discovery of a fire, the shift supervisor or designated officer will promptly evacuate all prisoners from the cells. Prisoners will be handcuffed and placed into the rear of a cruiser, under guard. The prisoner(s) will remain in the cruiser, until such time they may be returned to the cell. This time

will not exceed two (2) hours, otherwise the prisoner will be delivered to a neighboring police/sheriff's department or other agency.

24. Prisoner Escape

- A. If there is an escape by a prisoner being held in custody by this Department immediate effort will be made for recapture. The following steps will be initiated after an escape:
 - a. The officer discovering the escape will immediately notify the Communications Dispatcher and all on-duty officers. Notify the on-duty shift supervisor. If no supervisor is on-duty an off duty sergeant will be called.
 - b. Determine the number of escapees and if there is a risk of additional prisoners escaping custody
 - c. Complete description and identity of the escapee and offenses will be provided immediately to area police departments.
 - d. Make notification to the Chief of Police.
 - e. Contact additional Department personnel to assist in searching for the escapee.
- B. The Chief of Police will initiate an investigation into the circumstances surrounding the escape.
- C. Additional resources will be utilized at the authorization of the Chief of Police or his designee.

25. Health / Medical

- A. The following are guidelines to be followed in the event a prisoner is in need of medical assistance:
 - a. Prisoners who are ill or injured, should be treated by ambulance and/or paramedic personnel and transported to a medical facility when necessary.
 - b. If a prisoner is transported to a medical facility an officer will accompany the prisoner to the hospital.
 - c. With supervisor approval, the prisoner processing and release of the prisoner may be modified to allow for the release of the prisoner prior to being transported to the hospital.
- B. If medication is needed by the prisoner, the following guidelines will be followed:
 - a. If a prisoner has prescription medication on his person at the time of the booking and claims to need such medication, an attempt should be made to verify the prescription

- b. Medication prescribed by a physician is to be administered as prescribed, if it is necessary. The officer will witness the prisoner actually taking the medication and will properly record on the Prisoner/Juvenile Holding Log the time the medication was administered. Refusals will also be noted. A pharmacist or physician should be consulted if the officer is unsure or has a question regarding the medication.

26. Use of Facilities by Outside Agencies

- A. The Department processing room and lockup facility may be used by officers from other law enforcement agencies if needed.
- B. An officer may be assigned to assist in the intake of a prisoner.
- C. The assisting officer will document on the Prisoner/Juvenile Holding Log the required information concerning the prisoner and the arresting agency.
- D. The agency requesting to use the lockup cells is responsible for the medical attention, feeding, contact with attorney, and release of the prisoner.
- E. The outside agency is responsible for monitoring the prisoner while the prisoner is at the Department.

27. Prisoner Rights

- A. Persons held in custody at the Police Department will be granted all rights and privileges provided for by Federal and State Laws and Judicial Orders.
- B. Detainees' constitutional rights of access to the courts will not be inhibited.
- C. Persons held in custody will be given every opportunity to make bail.
- D. A reasonable number of phone calls will be allowed for the prisoner to communicate with a family member or an attorney. Officers will record on the Prisoner/Juvenile Holding Log form all phone calls made or attempted by a prisoner.
- E. The prisoner and attorney will consult alone in private and for such a period of each time as reasonable. Such meeting may officially be monitored, but no audio monitoring or audio taping will be allowed.

28. Prisoner Meals

- A. Adult prisoners and juvenile detainees will be provided with meals when they are detained for extended period of time. Normally meals will not be provided due to the short duration of stay.
- B. Any feeding time will be logged on the Prisoner/Juvenile Holding Log. A prisoner has the right to refuse a meal, refusals will be entered on the Prisoner/Juvenile Holding Log.
- C. No eating utensils of any kind will be provided to prisoners. No drink cans or glass drink bottles will be given to prisoners. No glass or plastic drinking cups or plates will be given to any prisoner.
- D. The officer(s) will ensure that meal contents/containers are cleaned up from the cell area, as soon as possible, after any meal.

29. Visitation

- A. Generally, family members will not be allowed to visit with a prisoner. However, the supervisor may, under special conditions, allow a family member to visit with a prisoner. Visitors must provide full identification and be advised they are subject to search before any visit. No personal belongings will be brought into the interview area unless they have been searched.
- B. Visits will be recorded on the Prisoner/Juvenile Holding Log.

30. Lockup Facility Deaths

- A. Upon discovery that a person confined in the lockup cells has apparently died, the officer will notify the Communications Dispatcher and request an ambulance and a supervisor.
- B. The officer will check for vital signs of life and, if applicable, provide emergency first aid.
- C. Every effort should be made to protect the scene for investigative purposes.
- D. If ambulance and /or paramedic personnel determine the prisoner is dead, the body will not be moved.
- E. The Chief of Police will be notified through the chain of command.

- F. Care will be exercised in handling an individual who had apparently died to avoid any additional injuries to the body, or destroying physical evidence.
- G. The Chief of Police will initiate a Department investigation.

31. Physical Conditions of the Holding Facility

- A. The following minimum conditions are provided for detainees housed in the holding facility:
 - a. Access to a bed, toilet, washbasin or shower, and drinking water.
 - b. A blanket for any detainee who is held for more than eight hours.
 - c. A lighting, heating and cooling system that can provide lights and temperatures within normal comfort range.
 - d. Temporary clothing is provided for those prisoners who need immediate change of clothing. Temporary clothing worn by a prisoner will be disposed of after use.

32. Temporary Detention

- A. The primary purpose of the interview room is for conducting interviews. However, due to the unpredictable nature of police operations this room may be used for temporary holding of detainees/prisoners.
- B. When the interview room is being used as a temporary detention room, the following provisions shall apply:
 - a. An officer will supervise and be accountable for the detainee.
 - b. Authorization to use the interview room for temporary detention will be approved by a supervisor.
 - c. Due to the interview room not being equipped with the same security and locking features as a cell the arrestee will not be left unattended.
 - d. A Prisoner/Juvenile Holding Log will be completed.
- C. The following safety and security precautions will be followed by officers using the temporary detention room:
 - a. Security inspections of the room will be made before and after placing the detainee in the room.

33. Tours / Fingerprints

- A. Tours of the prisoner processing area and cell lockup area by any individual or groups are authorized only when there are no prisoners being held.

B. Fingerprinting will not be conducted if a prisoner is being held.

34. First Aid

A. A First Aid Kit will be maintained in the Department for use in the processing/cell lock up area.

IV. DISCIPLINE:

1. Any violation of this policy may be grounds for disciplinary action consistent with any applicable collective bargaining agreement, statute, Department policy or Town policy.

Issued by: _____

Donald Hull
Chief of Police