

THURMONT POLICE DEPARTMENT

GENERAL ORDER	Date Issued: April 7, 2010	Effective Date: April 7, 2010	Order No: Chapter 12.1
Authority: Chief of Police Gregory L. Eyer		Manual Page No:	
Subject: Processing and Temporary Detention		Replaces Page No:	
CALEA Accreditation Standard: Chapter 71	Distribution: ALL	Amended:	Number of Pages: 11
Related Documents: State of Maryland Lock-up Standards		Rescinds: June 6, 2007 edition	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE:

To provide the employees of The Thurmont Police Department with guidelines and procedures regarding the temporary detention of arrestees at the Headquarters building.

II. POLICY:

It shall be the policy of The Thurmont Police Department to establish standards and procedures to maintain adequate facilities for the temporary detention of subjects and to ensure their safety and security while in custody.

III. DEFINITIONS:

Non-Essential – Other than designated staff during their official duties, assignment and detainees.

IV. PROCEDURE:

A. ADMINISTRATION AND MANAGEMENT:

1. The Deputy Chief of Police or his designee shall be responsible for the operation and care of the holding facility.
2. The Deputy Chief of Police or designee will ensure that all personnel are trained in the use of physical restraints and the searching of arrestees. All Department personnel will receive training on the contents of this order, including all functions of the holding facility.

3. Supervisors will ensure remedial training upon observations or knowledge of violations of this general order.
4. No unauthorized persons will be allowed access to the holding facility, unless accompanied by a TPD employee.
5. All detainee and lockup records will be kept confidential and will only be released in accordance with Department policy pertaining to release of official Department records.

B. TEMPORARY HOLDING FACILITY CONDITIONS

1. The holding facility consists of the holding cells, processing room, secured workroom, and locked corridor area.
2. The holding facility will provide the following minimum conditions for prisoners:
 - a. adequate lighting;
 - b. adequate ventilation and seasonably adjusted heating and cooling system;
 - c. prisoner access to a wash basin, toilet, and fresh drinking water (upon request and in a timely manner); and
 - d. will be clean and sanitary.

C. FIRE PREVENTION, EVACUATION, AND SUPPRESSION

1. The holding facility will be equipped with a fire detection sprinkler system. A fire extinguisher will be readily available in the corridor.
2. Smoking is forbidden in the Thurmont Police Department facility.
3. All lighters and matches will be confiscated from the detainees prior to placement in the cell.
4. In the event of fire, the fire department will be notified immediately.
 - a. Attempts may be made to extinguish small, confined fires with the available fire extinguisher (if practical). All personnel will familiarize themselves with the location of the fire extinguishers.
 - b. Evacuation plans will be clearly posted for view and followed.
 - c. In the event of fire or other emergency, personnel may utilize the phone, emergency

signal on their radio, or regular radio transmission to notify Communications of the need for appropriate assistance.

- d. All detainees will be evacuated by police personnel through the closest and safest exit. Detainees may be evacuated to the sallyport, or to police vehicles if more appropriate, and held temporarily until the supervisor develops an alternative detention plan appropriate for the situation (i.e., the number of prisoners, age and sex of the prisoners, estimated length of time for the emergency situation, etc.)
5. Prisoners may be transferred to the holding facility of one of the neighboring police departments when:
- a. Serious fire occurs.
 - b. The building is damaged by weather.
 - c. Any other serious emergency or condition occurs which would endanger the detainees.
 - d. The supervisor will be responsible for obtaining permission from allied agencies.

D. INSPECTION OF HOLDING FACILITY

1. The Deputy Chief of Police or designee will cause a quarterly inspection of the holding facility for the following items which will be documented on the "Holding Cell Inspection" form, and he will take immediate steps to correct any deficiency noted. A copy of the inspection will be forwarded to the Chief of Police and filed for a period of one (1) year.
 - a. Fire extinguisher (charged) and evacuation route posted.
 - b. Cleanliness and sanitation of area, (Note – if there are any signs of vermin or pests, arrangements will be made for professional exterminators and pest control, if necessary).
 - c. Functional operation of toilets and sinks.
 - d. First Aid Kit and replenishment of supplies when necessary.
2. Any deficiencies will be corrected immediately and the individual cell(s) will be marked to prevent usage until such time as repairs are made.

E. SECURITY AND CONTROL

1. After entering the holding area and prior to un-handcuffing any prisoner, all officers will remove and secure all firearms from their person and deposit them into the firearm locker

provided.

- a. This procedure applies to any officer, regardless of agency or department.
 - b. No employee will permit entry into the holding facility of any person possessing any weapon on their person. Exception: In emergency situations such as fire, disaster, suicide attempts, escapes, officer in trouble, or any other life-threatening situation.
 - c. Police Department issued OC spray, Tasers, and collapsible baton secured in their holders on the duty belt will be permitted in the holding facility. Any edged weapons must be holstered or hidden from view.
 - d. Evidentiary weapons will be secured in evidence lockers.
2. Corridor door(s)
- a. The doors leading into the holding facility will remain closed at all times when a prisoner is being held in a holding cell.
3. Holding cell door(s)
- a. Doors to vacant cells will be kept open until utilized.
 - b. Soiled, contaminated and/or damaged cells will have their doors closed and secured to prevent use with a sign to indicate the need of attention by maintenance staff.
4. Any officer, prior to placing a prisoner into a detention cell, will make a thorough security check of the cell to check for contraband, weapons, and/or any cell damage. The search will be made by the officer placing the prisoner in the cell, regardless of who the arresting officer may be.
5. Prior to releasing a prisoner from the cell, the officer removing the prisoner will make an additional security check of the cell.
- a. If cell damage or contraband is found, the officer will document the discovery and take any further action as necessary.
 - b. Officer(s) performing this security check will proceed with due caution and not allow the efforts of the check to distract them from the actions and demeanor of the prisoner.
 - c. The prisoner will be handcuffed or monitored by additional officer(s) during the search of the cell.
6. Video cameras will be located within the general holding cell area and will be monitored

while occupied. Toilets, when being used, will not be monitored. Video surveillance supplements personal supervision. It is not to be used in place of personal inspection.

7. Civilian employees will not supervise arrestees if such supervision requires the civilian employee to come into personal contact with arrestees.
8. Prisoners will not be permitted to possess any tools or culinary equipment while in the holding facility. If meals are provided, they will consist of food not requiring the use of culinary equipment (i.e., sandwiches, etc.).
9. All personnel who enter the cell area must have a portable radio on their person or be in the company of an officer that has a portable radio.

F. DETAINEE PROCESSING

1. The arresting officer will be responsible for the arrestee. A supervisor may designate another officer based on operational conditions or other circumstances.
2. Whoever places the arrestee in the cell will be responsible for the arrestee until relieved by another officer.
3. Arrestees will never be left unattended by an officer when outside a holding cell.
4. When inside the holding cell, the supervising member must be within reasonable proximity of the holding cell – (i.e., in the workroom, processing room, etc).
5. Prior to placing an arrestee in a holding cell, the responsible officer will:
 - a. determine any need for emergency medical treatment;
 - b. determine any physical conditions which warrant special attention such as sight impairment, deafness, disabled, suicidal, under severe influence of drugs/alcohol, etc.;
 - c. thoroughly search and remove all items which are unnecessary and which could be used by the arrestee to harm him/herself or others, or cause damage. These items are, but not limited to:
 - i. belts
 - ii. shoelaces
 - iii. watches
 - iv. lighters

- v. matches
 - vi. keys,
 - vii. jewelry, etc.
6. All property removed from the arrestee will be logged on a Prisoner Property Inventory form. (After its completion, this form will be submitted with case paperwork.)
 - a. The arrestee will sign that the inventory is correct. If he/she refuses, it will be noted on the Log.
 - b. If unable to have the prisoner present, a second officer will witness the inventory.
 - c. Any discrepancies should be noted in writing by the prisoner, witnessed by the officer, and presented to the supervisor prior to the release of the prisoner.
 7. Evidence or contraband is to be inventoried separately in accordance with Department evidence procedures.
 8. When the prisoner is released, all property taken, other than evidence of contraband, will be returned to the prisoner. The prisoner will sign the log indicating receipt. If the prisoner is transported to Central Booking, personal property will be given to detention personnel per their procedures.
 9. A Detention Cell Check Log form will be completed in its entirety for all prisoners placed in a holding cell. Juvenile and Adult prisoners will be log in their own respective log books. Officers will also complete the State of Maryland Secure Juvenile Holding Log and the Adult Detainee Log located in the back of each log book. These forms will remain in the log book and will only be removed by a supervisor.
 10. All prisoners held at the holding facility will be separated by sex and age.
 11. Officers will personally inspect the arrestee **at least once every thirty (30) minutes** while they are in the cell and note the time of the Detention Cell Check Log.
 12. Disabled, suicidal or arrestees exhibiting unusual behaviors **will be checked, at a minimum, every fifteen (15) minutes**. An "Emergency Petition" will be initiated if appropriate.
 13. Strip Searches will only be conducted in accordance with Chapter 1, section 1.2.8, utilizing the "Strip Search Authorization" form.

14. Any arrestee who is believed to be under the influence of drugs or alcohol, and who may be a threat to themselves or others, will be segregated from other arrestees and continuously observed. This may be accomplished by the use of cell video surveillance.
15. When receiving an arrestee from another agency, the officer conducting the intake will verify his/her authority to make such presentation.
16. In the event of multiple arrests, where the number of arrestees is in excess of ten (10) persons, the interview rooms may be used to temporarily hold the arrestees. If the interview rooms are used in this capacity, sufficient police personnel will be utilized to insure the safety and security of the arrestees. This practice will only be used in an emergency situation.

G. USE OF TEMPORARY HOLDING FACILITIES

1. An arrestee, adult or juvenile, cannot be left in a cell for more than two (2) consecutive hours without some actual processing taking place. They can be returned to the cell with checks being maintained, as long as he/she is removed at least every two (2) hours. The holding cell must be inspected each time an arrestee is removed from the cell. This prevents an arrestee from being placed in a cell for an unreasonable amount of time without any action being taken.
2. A subject who is not under arrest and who is free to leave the building, will not be placed in a holding cell.
3. Juvenile, male, and female prisoners will be separated by sight and sound, so that a normal conversation cannot be overheard.
4. Normally, prisoners will be placed one (1) per cell. When all available cells have single prisoners, then additional persons may be placed in each cell as long as it does not violate Section G.3., or become a safety concern.
5. Civilian personnel will not enter the temporary holding area when occupied by a prisoner, except for a specified work-related matter.

H. JUVENILES IN THE HOLDING FACILITY

Juveniles will be handled in the following manner:

1. An accused delinquent offender may be held securely in an adult jail or holding cell for up to six (6) hours for the purpose of processing, release or transfer to a juvenile facility. In addition, an accused delinquent offender may also be held securely in an adult jail or holding cell for up to six (6) hours before a court appearance and up to an additional six (6) hours after a court appearance. Merely removing a delinquent offender from the cell does

not reset the six (6) hour clock.

2. Juvenile status offenders and juvenile non-offenders, such as children in need of supervision (CINS), or a child in need of assistance (CINA), will NOT be placed in any locked room or handcuffed to any stationary object. When deemed necessary for officer safety, officers may handcuff a delinquent offender, but must remain in the arrestee's presence at all times.

I. PHYSICAL RESTRAINTS

1. Generally, prisoners will be placed into the holding cell without handcuffs.
2. Whenever there is a concern that the prisoner will harm him/herself or others, or destroy/damage property, the officer in charge of the arrestee will:
 - a. Notify a supervisor of the arrestee's actions (if available);
 - b. Determine if medical treatment or emergency commitment is necessary;
 - c. Place the arrestee in a cell separate from all other prisoners whenever available;
 - d. Use physical restraints such as handcuffs or leg irons to restrain the prisoner, or handcuff the prisoner to the ring located on the bench inside the cell which was designed and intended for prisoner restraint.
 - e. An arrestee will not be handcuffed to any other immovable object except for the bench ring noted above or the post rings affixed to the floor by the seats outside the holding cells.
3. Whenever restraints have to be placed on a prisoner inside the holding cell, a notation detailing date/time as well as the purpose for applying the restraints will be placed on the log.
 - a. A Transportation Belt will be kept in a marked drawer in the Holding area for appropriate use.

J. MEDICAL AND HEALTH CARE SERVICES

1. As part of the intake process, the officer shall make inquiries as to the detainee's health and well being. This may include any behavior or mental status that should be noted. Any illness of injury (body deformities, trauma, bruises, etc.) shall be logged on the intake sheet. If a prisoner makes a complaint of serious injury or illness, the Thurmont

Ambulance Company will be notified to render medical care.

2. A first aid kit will be kept in the holding area and will be inspected on a periodic basis and replenished as necessary.
3. If a detainee advises that he/she is in need of medication for a serious illness or injury, the officer shall notify the Thurmont Ambulance Company to transport the detainee to the hospital. Any medication that the detainee had at the time of arrest shall be transported to the hospital with the detainee. Medication shall only be given to a detainee on written order of medical doctor. If medication is given per a doctor's order, the drug administered, the time, and the administering officer will be noted on the intake sheet.
4. Under no circumstances will any member offer any arrestee any "over the counter" medication such as aspirin, cough drops, etc.

K. PRISONER ESCAPES

Employees will exercise due care and diligence in order to prevent arrestee escapes. In the event of escape from custody by a prisoner held in the holding facility, immediate efforts will be made for apprehension. The following steps will be taken by personnel, though not necessarily in the given order:

1. The employee discovering the escape will notify Communications and the supervisor.
2. The discovering employee will determine if anyone was injured and summon emergency medical assistance if necessary.
3. The person discovering the escape will immediately secure all doors under their control.
4. Sufficient personnel will be dispatched to secure the holding facility and/or entire police facility if necessary. A complete search will be made of the premises including ceilings and closets.
5. Descriptions, identities, and offenses for which the escape was incarcerated will be dispatched to all surrounding agencies and personnel, along with any other pertinent information to aid in the capture of the escapee. Appropriate computer entries will be made.
6. Once the holding facility is secure, sworn officers will check to see that all corridor doors and cell doors are functioning properly.
7. A check of all remaining prisoners will be made.
8. A complete report will be made by the officer in charge of the escapee, as well as the

supervisor, via chain of command, to the Chief documenting all facts pertinent to the incident and any action which can be taken to prevent reoccurrence.

9. The supervisor will immediately coordinate and implement the following procedures:
 - a. establish a perimeter in the area of the escape;
 - b. request a canine unit from an allied agency;
 - c. organize and conduct an immediate search;
 - d. request additional personnel to assist, etc.

L. PRISONER RIGHTS

1. Decisions concerning arrestees, such as release or transport to Central Booking, will be made without unnecessary delay.
2. Prisoners will be permitted to make at least two (2) local or collect long distance telephone calls while in a temporary holding area *absent articulable exigent circumstances*. Calls should generally be limited to five (5) minutes. It is the responsibility of the arresting officer to ensure that the prisoner is given the opportunity to make the telephone calls, unless the calls would jeopardize an ongoing investigation or other circumstances exist which renders the call inappropriate or unsafe. The officer will document in the incident report any reason why phone calls were denied.
3. Attorneys will be permitted direct contact with their clients when they respond to the client's request. The attorney is subject to a pat-down prior to contact with the prisoner. A private area within the holding facility will be provided for the attorney/client contact. The area utilized must have a window in the door or nearby so the officer can view the prisoner at all times. Officers may not listen to their conversation.
4. Visitors will **NOT** be permitted unless authorized by the supervisor and then only in emergency situations. If approved, the visitors and their property will be searched prior to any contact and will meet with the prisoner in a room inside the holding facility. The prisoner will remain handcuffed. No physical contact will be allowed between arrestees and visitors. The supervising officer will remain with the prisoner during the visit.
5. Both attorneys and visitors will be documented on the Log with name, date, and the time(s) they were present.
6. Prisoners required to surrender clothing or footwear to the Department for evidence will be given replacement items. Jump suits from the FCADC will be stored in the Holding

Facility in a marked drawer.

ATTACHMENTS : Appendix – 12.1A Holding Cell Inspection Report (TPD Form 12.1A)
Appendix – 12.1B Strip Search Authorization (TPD Form 12.1B)
Appendix – 12.1C Prisoner Property Inventory Sheet (TPD Form 12.1C)
Appendix – 12.1D Adult Detention Cell Check Log (TPD Form 12.1D)
Appendix – 12.1E Adult Detainee Log (TPD Form 12.1E)
Appendix – 12.1F State of Maryland Secure Juvenile Holding Log
Appendix – 12.1G Juvenile Detention Cell Check Log (TPD Form 12.1 G)

DOCUMENT DATES :

Amended Date:

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written by: Lieutenant P. Allen Droneburg

Order Edited and Approved by: Chief Gregory L. Eyler

*CALEA Standards Included in this Order
CHAPTER 71.1.1 – 71.4.3 HOLDING FACILITY*