



TEMPORARY DETENTION AREA PROCEDURES

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I. POLICY

The Anne Arundel County Police Department transports all arrestees to the Anne Arundel County Central Holding and Processing Center (CHPC) for prisoner processing, however each District Station does contain cell areas that are designated as temporary holding facilities for chemical testing, temporary detention of arrestees being questioned by investigators, or temporary detention for extraordinary circumstances.

II. AUTHORITY

Patrol District Commanders are responsible for the safe operation of the Temporary Detention Area in their district stations. This responsibility includes the management of the Temporary Detention Area's physical plant, supervision of detainees, and supervision and training of all employees.

III. ADMINISTRATION & MANAGEMENT

A. Training

All sworn personnel who work in or around a Temporary Detention Area are required to receive initial training on the operations of the Temporary Detention Area, to include AEDs (Automated External Defibrillators), fire suppression (fire extinguishers), the use of physical restraints, and equipment provided for use by the agency, to ensure safety and security of staff and detainees. In-Service training on the above will occur at least once every four years. This training will be provided by the Training Division.

B. Access

On duty district supervisors will control access to the Temporary Detention Area and must be notified, by the transporting officer, when a detainee is brought to the Temporary Detention Area.

Access of all nonessential persons is prohibited in emergency situations.

Nonessential persons will be granted access to Temporary Detention Area only for a legitimate law enforcement or public safety purpose. When granting such access, Platoon Commanders will ensure that the nonessential person's presence does not violate a detainee's privacy, impede facility operations, or obstruct or frustrate acquisition and development of information for presentation in court by either the prosecution or the defense.

IV. PHYSICAL PLANT - Minimum Conditions

District Commanders will ensure Temporary Detention Area's provide the following minimum conditions for detainees:

1. Adequate lighting as required by local code or ordinance;
2. Circulation of fresh or purified air in accordance with local public health standards;
3. Access to a toilet and drinking water;
4. Access to wash basin or shower for detainees held in excess of eight hours, and
5. A bed and bedding for each detainee held in excess of eight hours.

District Commanders will coordinate any necessary modifications, repairs, or equipment acquisition with Central Services in order to meet these standards.

V. SAFETY AND SANITATION

District Commanders will ensure the following safety and sanitation standards exist in the Temporary Detention Area:

A. Fire Alarms & Detectors

Each Temporary Detention Area will have an automatic fire alarm, heat and smoke detection system, fire equipment approved in writing by state or local fire officials, and a standard operating procedure prescribing fire prevention practices and procedures, to include:

1. A weekly documented visual inspection and a semi-annual documented testing of fire equipment; and
2. A daily visual inspection and weekly documented testing of the automatic fire detection devices and alarm systems; and
3. A documented annual test of automatic fire detection devices and alarm systems by an outside vendor as required by law.

B. Emergency Evacuation Plans & Exits

Each Temporary Detention Area will have a written and posted emergency evacuation plan for the facility, along with a designated signed emergency exit directing evacuation of persons to hazard-free areas.

If possible, two separate means of emergency exit should be provided. The evacuation plan should specify route of evacuation with a subsequent disposition for housing of detainees. The plan also should include provisions for first aid and hospital transportation.

C. Weekly Sanitation Inspection

District Commanders will ensure a documented weekly sanitation inspection of the facility is conducted. Any condition conducive to harboring or breeding insects, rodents, or other vermin must be eliminated. If necessary, the District Commander will have pest control professionals clean or fumigate the facility. The facility may not be used to house detainees until the unsanitary condition is eliminated.

D. Annual Inspection

The Staff Inspections Unit will conduct an annual inspection and administrative review of each District's Temporary Detention Area.

VI. SECURITY AND CONTROL

A. Firearms and Knives in the Temporary Detention Area.

Firearms and knives will be secured before entering the Temporary Detention Area. No firearms or knives are permitted in the Temporary Detention Area.

If the Temporary Detention Area becomes the scene of a police emergency, such as a hostage or barricade situation, the Incident Commander may authorize exceptions to this policy.

B. Restraint Using Fixed Object

Detainees will only be secured to a fixed/immovable object designed and intended for such use (i.e. handcuff or leg iron ring/bar). If a detainee is secured in such a manner, in lieu of being placed in a Temporary Detention Area Cell, the detainee will not be left unattended.

C. Entering Occupied Temporary Detention Area Cell

Officers may not enter an occupied cell alone, unless they are being monitored by visual or audio surveillance devices, have a portable police radio, and/or a panic alarm in their possession.

D. Control & Use of Keys

Executive Officers, or his/her designee, are responsible for controlling the Temporary Detention Area keys. District Commanders will require a documented weekly accounting of the location and possessor of all Temporary Detention Area keys, and will ensure duplicate emergency keys or a master key are readily available in emergency situations.

E. Holding Facility Door Security

Personnel will ensure the door(s) permitting entry to and from the Temporary Detention Area are closed and locked at all times.

Personnel will ensure doors to vacant units, unoccupied cells, and storage rooms are locked when not in use. Doors will be tested for vulnerability after they are secured.

F. Security Check of Unoccupied Cell

The officer in custody of the prisoner will conduct a security check, including searching for weapons and contraband, prior to each use of an unoccupied cell. In addition, the officer in custody of the prisoner will check each cell immediately after it becomes unoccupied. Any adverse or unusual conditions observed are to be reported immediately to supervisory personnel verbally and in writing.

G. Weekly Documented Security Inspection

District Commanders will require a documented security inspection, including searching for weapons and contraband, of the Temporary Detention Area at a minimum weekly.

At least once a week, bars, locks, windows, walls, floors, ventilator covers, glass panels, access plates, protective screens, doors, and other security devices will be checked carefully for operational wear and detainee tampering. Inspections will include occupied and unoccupied cells. All Temporary Detention Area's and other locations where detainees have access will be searched for weapons and contraband. Results of these inspections will be submitted in writing to the District Commander.

All defective security equipment will be replaced or repaired immediately. No detainee may be placed in an unsafe or unsecured facility.

H. Tools & Culinary Equipment

No culinary or kitchen equipment will be allowed in Temporary Detention Area. Maintenance tools will be allowed within Temporary Detention Area only for maintenance purposes, and only when these areas contain no detainees or all detainees are secured in cells. Maintenance tools must be removed and safeguarded prior to the movement of prisoners not secured in a cell.

I. Emergency Alert Systems

The distress alarm *is* the emergency button on the portable police radio, which alerts directly to the Communications Section.

District Commanders will ensure there is a working audio communication system in the Temporary Detention Area to alert a designated control point in the event of an emergency. The system may be enhanced by the use of video equipment to supplement personal supervision by staff. Detainees also can use the system to advise staff of emergency needs.

In no event is this system to be turned off. The district commander will have any malfunctions repaired immediately. Detainees may not be housed in the facility until the equipment is repaired.

J. Security Threats to be Documented

Any employee having knowledge of any incident or condition that threatens the Temporary Detention Area's security or any person therein, is required to submit a written report to the District Commander.

VII. TEMPORARY DETENTION AREA PROCEDURES

A. Weapon Search

Any officer who brings a prisoner to a Temporary Detention Area will search the prisoner, removing and securing any weapons found on the prisoner, before taking the prisoner into the actual Temporary Detention Area or placing him/her in a holding cell. The officer will utilize a metal detector wand on the prisoner during this search. The assigned Desk Officer will conduct a secondary search of the prisoner.

B. Inventory Search

Once inside the Temporary Detention Area, the officer in custody of the prisoner will conduct an inventory search of the prisoner before the prisoner is un-handcuffed. The officer will seize and remove any contraband, evidence, and property that is not permitted to accompany the prisoner into the holding cell, prior to placing the prisoner in a Temporary Detention Area cell. The officer will also utilize a metal detector wand on the prisoner during this search. Any weapons or items that could be used as weapons found during the inventory search will be removed and secured prior to un-handcuffing the prisoner.

The officer in custody of the prisoner will ensure that the only property accompanying a prisoner into a Temporary Detention Area cell is any non-evidentiary paper currency in the prisoner's possession and the immediate clothing except for belts or ties. Prisoners will retain their footwear with the laces or anything else attached removed, just leaving the prisoner with the basic footwear. Footwear with laces or similar ties of length (some styles of women's shoes) which could be removed, and sandal type footwear that could be pulled apart, will be taken from prisoners.

C. Itemized Inventory of Prisoner Property

The officer in custody of the prisoner will inventory and prepare an itemized list of all property taken from a prisoner. Along with property (including paper currency) retained by the prisoner. The inventory will be documented on the "Temporary Detention Area Intake form (PD 2004)". The officer in custody of the prisoner will sign and date the property inventory sheet.

The prisoner will be asked to sign the inventory form acknowledging the property that was taken. Prisoners with no property will sign an inventory form marked "No Property". If the prisoner refuses to sign, another employee will sign the form as a witness to its accuracy.

The following is a list of property that will be accepted by the Central Holding and Processing Center:

1. Clothing being worn
2. Personal legal documents
3. Wallet and contents
4. Purse/Small Backpack and contents
5. Cell Phones
6. Limited personal jewelry of modest value
7. Prosthetic devices deemed to be medically necessary
8. Prescribed medications
9. Personal use amount of legally possessed cannabis

All other property recovered from an arrestee while in the Temporary Detention Area, except for evidence or contraband, will be submitted as recovered property per Index Code 1201.1 while at the district station. Evidence and contraband recovered from an arrestee will be submitted per Index Codes 1201.1 and Index Code 1202 while at the District Station.

D. Temporary Detention Log

The officer in custody of the prisoner will fill out the Adult Temporary Detention Log (PD 549) or the Juvenile Temporary Detention Log (PD 337) documenting the reason, date and time into the facility. When the detainee is removed from the facility the time out shall also be documented. The log (Adult or Juvenile) will be maintained during the time the detainee is held within the temporary detention area. Juveniles will not be held in secure custody in excess of six hours per Index Code 1700.

An on duty district supervisor must be notified, by the transporting officer, when a detainee is brought to the Temporary Detention Area. The supervisor will review and sign the officer's completed Adult Temporary Detention (PD 549) or Juvenile Temporary Detention (PD 337) log before the end of their tour of duty. This review will also ensure that any additional forms (i.e. PD 2004 – Temporary Detention Area Intake Form and PD 291 - Cellblock Inspection Form) were completed accurately. Platoon Commanders will routinely review their assigned personnel's completed Temporary Detention Area Forms to ensure compliance with this policy.

E. Prisoner Search Limitations

1. Pat-Down Searches

A pat-down search is defined as an inspection of the prisoner's clothing to determine whether that person is secreting any property which is unlawful to possess, or any property that may be utilized as a means to effect an escape, or cause injury to another person, or may enable the prisoner to destroy evidence. Pat-down searches of persons of the opposite sex, which are conducted incident to arrest, are permissible if no police officer of the same sex as the arrestee is immediately available to respond to the scene and conduct the search. Officers conducting pat-down searches under these circumstances will exercise the utmost discretion and will ensure the extent of the search does not exceed the purposes or limits stated above.

Subsequent pat-down searches of prisoners, which are required prior to transporting the prisoner from one location to another, will be conducted by police officers of the same sex as the prisoner.

2. Strip Searches

A strip search is defined as when an arrested person's clothing is removed or rearranged so as to permit a visual inspection or a physical examination of the genitals, buttocks, anus, breasts, or undergarments of such person, which does not meet the definition of a body cavity search.

Strip searches of prisoners require the permission of a Police Lieutenant or above, and must be based on reasonable suspicion and exigent circumstances relating to an imminent threat to officer or facility safety, or to the destruction of vital evidence. Persons will not be strip-searched in public, nor will persons be strip-searched by or in the presence of persons of the opposite sex. Whenever a member of this department is required to strip-search a prisoner, he/she will write an incident report describing the circumstances.

3. Body Cavity Searches

A body cavity search is defined as a visual or physical examination into the body's recesses, including the anus, vagina, and internal organs of the body.

A body cavity search requires a search warrant, and may be conducted only by a licensed medical professional, such as a physician, physician's assistant, or nurse.

A body cavity search may be conducted based on probable cause relating to the concealment or potential destruction of vital evidence. Such searches will be initiated only on the approval of an officer of the rank of Police Lieutenant or above. The officer requesting the body cavity search will submit an incident report detailing the reasons for the search, results of the search, name of the person conducting the search, and all other relevant details.

F. Secure Storage of Prisoner Property

The officer in custody of the prisoner is responsible for the secure storage of all property taken from a prisoner. Each prisoner's property will be segregated from all other property and locked in secure facilities until it is returned to the prisoner or placed into the property management system.

G. Intake & Medical Screening

The officer in custody of the prisoner will ask every prisoner if they require medical assistance. They will record the prisoner's answer, as well as the following information on the "Temporary Detention Area Intake" form (PD 2004) for every prisoner who is brought into the Temporary Detention Area, and before transfer to another facility:

1. Arrest information;
2. Property inventory and disposition;
3. Current health of the detainee;
4. Medications taken by or given to a detainee;
5. Behavior, including state of consciousness and mental status; and
6. Trauma markings, bruises, lesions, jaundice, and other visual signs of injury.

The purpose of the screening is to account for the prisoner and his/her property, and to determine if medical attention is required. Female detainee screening should take into account the special needs of women. In addition, a record will be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

H. Prisoner Separation

If males, females and/or juveniles are required to be detained at the same time, the officer in custody of the prisoner will ensure that their cell areas are separated from each other by sight and sound. Juveniles may not be in the presence of adult violators and will be held in areas away from adult detainees. Females will be separated from areas where males are detained.

"Sound," for the purpose of this requirement, is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming should be controlled by sworn personnel.

If it is physically impossible to comply with this requirement, the officer in custody of the prisoner will transport the prisoner to the Central Booking Facility.

I. Intoxicated, Violent Prisoners, and/or those Exhibiting Signs of Mental Health Issues.

Prisoners under the influence of alcohol or other drugs, who are violent or self-destructive, and/or are exhibiting signs of mental health issues will be segregated from other prisoners. Such prisoners will remain under close observation by the officer in custody of the prisoner in order to minimize the potential for injury to themselves or others.

J. Return of Property

The officer in custody of the prisoner will return prisoners' property at the time of their release. Property will be compared with the inventory list, and if everything is in order, the prisoner will sign a receipt for the property returned. Property retained as evidence/recovered property or for other purposes will be noted on the receipt.

If the prisoner refuses to sign the receipt for the return of property, the officer in custody of the prisoner will have another employee sign and date the inventory form witnessing the return of the listed property. Should the prisoner refuse to accept the property, it will be processed as recovered property and forwarded to Property Management.

VIII. MEDICAL & HEALTH CARE SERVICES

A. Prisoner Medical Emergencies

Under no circumstances will an unconscious prisoner be placed or allowed to remain in a cell without medical treatment. This includes intoxicated prisoners.

Whenever a detainee needs or requests emergency medical treatment, the officer having custody of the prisoner will immediately summon an ambulance and render first aid.

The officer having custody of the detainee will submit an incident report describing the circumstances and all subsequent actions taken. If a prisoner claims injury received while at a District Station, a patrol supervisor will ensure that any known video of the incident captured by a District video camera is gathered and reviewed. A copy of the video will be submitted into evidence, unless it is part of a *Use of Force Report*. Any *Use of Force* incident will be handled as listed in Index Code 401. A patrol supervisor will assign an officer to respond to the hospital, guard

the prisoner, and investigate the incident. The officer will submit a supplement report describing the medical emergency and subsequent treatment, and will request a copy of the hospital report of the prisoner's medical treatment. If obtained, it will be included with the police reports on the incident.

Patrol supervisors will coordinate guarding the prisoner until he or she is released from the hospital.

Refer to Index Code 1830 if dealing with a suicidal prisoner.

B. First Aid Kit & AED (Automated External Defibrillator)

District Commanders will ensure a first aid kit is available in all the Temporary Detention Area and is subjected to a documented weekly inspection and it will be replenished, as necessary. An AED Unit is also placed at all District Stations (See Index Code 1619).

C. Posted Medical Advice

District Commanders will ensure procedures for gaining access to medical services are conspicuously posted in areas used by detainees, in the language(s) prevalent to the area. Signs will be permanently mounted and legible. Access procedures will be explained orally to detainees unable to read.

D. Pharmaceuticals & Medication

The department does not stock pharmaceuticals or over-the-counter medications for administration to prisoners. Prisoners in need of any medication in their possession (prescription or over-the-counter) will be permitted to take the medicine according to written instructions available on the prescription bottle/vial or package.

The officer in custody of the prisoner will monitor the process to prevent overdose and document the date, time, type of medication, and amount given to a prisoner on the Temporary Detention Area Intake and Personal Property Inventory Form (PD 2004).

IX. DETAINEE RIGHTS

A. Length of Detention - Adults

Maryland Rule 4-212, section (e) and (f) provides defendants must be taken before a District Court Commissioner "... without unnecessary delay and in no event later than twenty-four hours after arrest." This pertains to defendants who are going to be charged on a Statement of Charges.

B. Length of Detention - Juveniles

Juveniles may not be held in secure custody in excess of six hours. See Index Code 1700 for details.

C. Opportunity to Make Bail

A prisoner's opportunity to make bail will not be impeded by department employees.

D. Confidential Access to Attorney

The department is not obligated to permit attorney access to a Temporary Detention Area detainee unless the detainee specifically requests access to an attorney. If a detainee makes such a request, then the detainee is entitled to, and the department will permit, confidential access to the attorney while the detainee is confined in a Temporary Detention Area. Such visits will be limited and consistent with the need for prisoner security.

A police officer will search visiting attorneys and relieve them of potential weapons prior to entering the holding area or cell. Anyone who refuses to allow themselves to be searched will not be permitted access to the prisoner under any circumstances. In addition, the searching officer will record the name and identity of the visiting attorney in the prisoner log, and the times in and out of the facility.

E. Prisoner Access to Telephone

Detainees are entitled to reasonable use of the telephone. No long distance calls will be allowed unless prior arrangements are made for the charges to be reversed. If the prisoner is unable to complete the call without assistance, a police officer will provide assistance. If the prisoner wants to call someone but is unable to communicate effectively, a police officer should make the call and provide a responsible adult with sufficient details to assist the detainee.

F. Monitoring/Recording Telephone Calls

Department employees may not monitor or record detainees' telephone calls.

X. MONITORING OF DETAINEES

A. Visual Observation of Prisoners

The officer in custody of the prisoner will conduct a face-to-face observation of each prisoner at least every thirty (30) minutes. Care should be taken during physical checks so the prisoners do not anticipate the appearance of department personnel. This inspection will be documented on PD 291 (Cellblock Inspection Form). Any problems or issues with the prisoner and any actions taken by the officer will be documented on the PD 291.

Prisoners who are security risks should be under closer surveillance and may require more frequent observation. These inspections will occur at least every 15 minutes and will also be documented on the PD 291. Security risk prisoners include not only prisoners who are violent, but also those who have a history of being suicidal, exhibiting signs of mental health issues or are demonstrating unusual or bizarre behavior.

The officer in custody of the prisoner must remain in the building until the detainee is removed from the cellblock.

B. Use of Audio and/or Video Devices

Audio and visual equipment such as television cameras and listening devices will be used at critical locations in the Temporary Detention Areas to provide for prisoner and personnel safety.

C. Monitoring Detainees of Opposite Sex

Members of the department are prohibited from visiting the cells in which prisoners of the opposite sex are confined, except to perform necessary tasks related to law enforcement or prisoner detention. In such cases, a second employee will witness the visit, either in person or via a video monitor.

D. Visitation Rights

Detainees in department Temporary Detention Areas may be visited only by:

1. Their attorneys (see section IX.D, above); and
2. Their parent or guardian, if the detainee is a juvenile.

A police officer will search all visitors and their belongings, and remove potential weapons, before allowing them direct contact with the prisoner. Anyone who refuses to allow to be searched will not be permitted access to the prisoner under any circumstances. In addition, the officer conducting the search will record the name and identity of the visitor in the prisoner log, and the times in and out of the facility.

XI. PROPONENT UNIT: Bureau of Patrol.

XII. CANCELLATION: This directive cancels Index Code 2004, effective **08-01-23**.