



TRANSPORTATION AND HANDLING OF DETAINEES

General Order Number: 37.2

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PREFACE:

The proper transporting and handling of detainees is essential to ensure the safety of officers and detainees. Officers are reminded that the arrest, safe handling and processing of persons arrested by members of the Brookline Police Department require that officers be alert at all times. Policy and Procedures require examination at the beginning of each shift of all vehicles used for transporting detainees and also the search of any transport vehicles prior to and after transporting detainees. This is to ensure that no weapons or contraband are present. Some latitude may be allowed wherein an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the detainee to the vehicle; however, most vehicles will not have been under constant supervision and officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a detainee has been removed from the vehicle, a thorough search should be conducted as soon as practical, but in all cases, before the vehicle is reused. This will not only ensure that the detainee has left nothing in the vehicle, but if items are found, it will be possible to link them in a timely manner to the detainee.

All persons arrested by this department shall be fingerprinted and photographed in accordance with M.G.L. c.263 s.1A and with current department policy and procedures.

Persons being held in custody are being held against their will and as such they present a potential danger to police officers who must deal with them. With this in mind, the following procedures are to be followed when persons are in the custody of the Brookline Police Department.

I. HOLDING FACILITY TRAINING:

- A.** All sworn members of the Department shall receive initial training on the operation of the holding facility and at least once every three years thereafter. This training shall include but is not limited to:

- 1.** Policies governing the holding facility

2. Methods of physical restraint, so that, when necessary, control of violent or disorderly detainees can be obtained with the minimum of discomfort and danger to both the officer and the detainee.
 3. Fire suppression equipment, evacuation procedures
 4. First Responder equipment and Automated External Defibrillator (AED).
 5. Cell access
 6. Metal detector wand
- B.** All officers and all newly promoted officers shall receive training in suicide detection, intervention, and prevention as defined in Ch 6E, sec. 1.

II. HANDLING OF DETAINEES AT THE ARREST SCENE:

- A.** The arresting officer will call ahead to the station and notify them of an arrest. For safety reasons, the detainee should be under observation at all times.
- B.** Officers who are involved in the arrest of a person shall perform a thorough search of the detainee prior to transporting the detainee. Whenever an officer takes custody of a detainee that they are to transport, they should never assume that the detainee has already been searched. The officer shall conduct a thorough search of the detainee himself. Detainees will be searched at the scene of the arrest by:
1. An officer of the same gender, or
 2. An officer of the opposite gender if there is reason to believe that the detainee possesses an item which could cause harm to the detainee or the officer; or if there is probable cause that the detainee is in the possession of evidence which can readily be disposed of and circumstances do not permit the time to await the arrival of a same gendered officer. The officer should conduct this search in the presence of a supervisor or another officer to minimize any accusation of misconduct.
- C.** All detainees are to be searched and handcuffed prior to being placed into the transport vehicle, except when transporting juvenile, pregnant, elderly, handicapped, sick or injured persons where the use of restraining devices shall be within the discretion of the transporting officers. The transporting officer(s) is legally responsible for the safety and custody of the detainee(s) being transported.

- D.** Detainees shall be handcuffed with their hands behind their back, palms facing outward, unless there are exigent circumstances (such as injury). Handcuffs shall be double locked.
- E.** If the number of persons arrested exceeds the number of pairs of handcuffs on hand, flex cuffs may be used if available.
- F.** At no time will detainees be handcuffed to any part of the police transport vehicle during transport.

III. DETAINEE TRANSPORT:

IMPORTANT – The department is in a vulnerable position if a male escort officer is used to transport a female detainee and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female detainee. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

A. TRANSPORT VEHICLE

- 1.** All vehicles normally used for transporting detainees shall be searched and checked for operational suitability prior to each shift.
- 2.** All Department vehicles normally used to transport detainees shall have a safety barrier installed.
- 3.** All vehicles used for transporting detainees shall be modified to minimize opportunities for the detainee to exit from the rear compartment of the vehicle without the aid of a transporting officer;
- 4.** Before placing a detainee in a police vehicle, the vehicle shall be searched to ensure that there are no articles present that can be used as weapons. This will also ensure that items (e.g., contraband, evidence, etc.) subsequently found can more easily be attributed to the detainee.
- 5.** At the completion of all detainee transports, the officers assigned to the vehicle will conduct a search of the area within the vehicle where the detainee was located for evidence and/or contraband that may have been discarded by the detainee.

B. Under normal circumstances officers will transport detainees in the following manner; listed in order of preference:

- 1.** Caged, two-person cruiser (When Possible):
 - a.** Detainees will be seated in the rear seat area.

- #### IV. SPECIAL TRANSPORT SITUATIONS

A. Transporting Detainees by an Officer of the Opposite Gender:

- 1.** Whenever one or two officers transport a detainee of the opposite gender, the following procedures will apply.
 - a.** The transporting officers will call in the mileage on their patrol vehicle and their location. The dispatcher will make an entry into the CAD System.
 - b.** The transporting officers will proceed directly to their destination using the shortest practical route.
 - c.** Upon arrival at the destination of the transport, the transporting officers will call in the ending mileage on their patrol vehicle. This information will be noted by the dispatcher in the CAD System.

B. Injured, or Handicapped Detainees:

- 1.** Handcuffing of Injured, or Handicapped Detainees
 - a.** Officers should apply handcuffs to such detainees only if there is threat of attack or injury to himself or herself or the detainee. If handcuffs are required, they should be used in a manner so as not to further aggravate the handicap or injury. If E.M.T.'s are present, handcuffs should be applied as suggested by them.
 - b.** The decision whether or not to use handcuffs should be based on the officer's observations of the individual's handicap, illness, or injury, his or her mental state at the time of arrest, the charge, and any pertinent information acquired at the scene.
- 2.** Transporting Sick, Injured, or Handicapped Detainees:
 - a.** Officers will take every possible precaution to ensure the safe transportation of all detainees. If a detainee is sick, injured, or handicapped, the officers shall, whenever reasonable and practical, summon an ambulance to arrange for transportation. If possible, the detainee should be transported in the ambulance accompanied by at least one police officer.
 - b.** Any wheelchairs, crutches, prosthetic devices, and medication should be transported with, but not in the possession of, the detainee.

- c. Detainees who suffer from mental health issues may pose a significant threat to themselves and/or the transporting officers. If required, handcuffs should be used until a more appropriate restraining device can be applied.
- e. Leg restraints shall only be used on a detainee who violently resists arrest and poses a threat to themselves or to the transporting officers.
- f. Whenever a detainee is transported by EMS, and that detainee is wearing handcuffs, leg shackles or any other Department issued restraints, at least one officer shall accompany that detainee in the transport vehicle in the event that the restraint devices need to be removed and/or adjusted.

C. Juvenile Detainees:

Juvenile detainees present a special concern when they are transported after arrest.

M.G.L. Chapter 119: Section 34 states: A child involved in any proceeding shall not be transported in a Patrol Wagon from his home or from any other place to any court or institution, but if a conveyance is necessary shall convey him in such other suitable vehicle as shall be provided or designated by the department.

1. Juvenile detainees shall not be transported in the Patrol Wagon.
2. When transporting juvenile detainees, the procedures in sections 3-A, B-2, 3, 4 and C-4 should be followed.

D. Transgender Detainees:

Transgender detainees shall be transported from the scene of an arrest in accordance with department policy. Any other transports involving a transgender individual will be separate and apart from any other detainees. All such detainee transportation will be done in accordance with all applicable department policies and procedures.

V. COMMUNICATION

Unless a situation exists that makes a verbal exchange necessary, transporting officers shall not allow detainees to communicate with other persons while being transported.

VI. INTERRUPTION OF TRANSPORT:

The primary duty of the transporting officers is the safe delivery of detainees in their care to the proper destination. While transporting a detainee, the transporting officers will stop

to provide police services only in the following circumstances, and only if this activity can be accomplished without serious risk of injury to, or escape of, the detainee.

- A.** Where immediate response is required to prevent severe bodily injury or death to an individual.
- B.** Where serious injury has occurred requiring immediate attention.
- C.** Where a serious or violent crime is in progress and/or a criminal is fleeing and immediate apprehension is required to ensure public safety.
- D.** Use of toilet facilities: The officers shall contact the nearest available police department to make arrangements for the use of their facilities.
- E.** Food: If transporting officers must provide food for detainee during transport:
 - 1.** Fast food may be provided and consumed in the transportation vehicle.
 - 2.** The officer may contact a police facility to make arrangements for the detainee to be placed in a cell and fed.

VII. TRANSPORTATION TO OTHER FACILITIES:

- A.** When a detainee is to be transported from the station to another facility to be held in custody or to court, the officers involved will comply with the following:
 - 1.** Prior to the detainee being transferred to another facility, officers shall confirm the identity of the detainee using the detainee's booking photo. All "Receiving Screening" information outlined in section XVII of this policy will be obtained and recorded. All necessary paperwork accompanies the detainee to the custody facility or the court house (booking sheet/receiving screening, arrest report, etc.). Officers shall advise the receiving personnel of any potential medical, suicide or security risks.
 - 2.** Transfer the detainee's property to the custody facility or court.
 - 3.** The officer or official who is taking custody of the detainee shall sign the booking sheet, and the property shall be turned over to him or her and becomes his or her responsibility.
- B.** Upon arrival at the custody facility or court, the officers will:
 - 1.** Escort the detainee into the facility with all necessary papers and personal property;

2. Secure firearms in accordance with the procedures of the receiving agency; and
 3. Maintain control of the detainee until relieved by the receiving agency.
 4. Remove restraining devices only when directed to do so by the receiving agency.
 5. Obtain the signature of the receiving agency.
 6. The Commanding Officer will document this transfer in the department's in-house booking system.
- C. When transporting a detainee from another facility to the Department's holding facility (e.g., picking up a detainee arrested on a warrant by another agency), the transporting officers will:
1. Ensure that all required paper work is properly signed and executed and accompany the detainee;
 2. Prepare the detainee for transport according to proper procedure;
 3. Transport the detainee directly to the Department's holding facility.

VIII. HANDLING DETAINEES AT THE POLICE STATION:

Note: No weapons are allowed in the holding facility. All officers, at all times when entering the holding facility shall secure their weapons in the gun lockers located in the hallway opposite the entrance to the holding facility area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). This rule of no weapons includes law enforcement personnel from other departments including local, state, and federal agencies. **See section 7, #B, for the securing of transport-officer(s) weapons. Officers entering the holding facility are required to be equipped with their portable radio.**

Departmental firearms should be handled in the following manner:

Administrative Unloading Procedure:

1. Officers shall remove the magazine from their weapon, while the firearm remains holstered, and put the magazine into the gun locker.
2. Officers shall remove the weapon from it's holster, keeping their finger off the trigger and outside the trigger guard.

3. Officers will then secure the firearm in the gun locker, by locking the locker and removing the key.

Administrative Reloading Procedure:

1. Upon unlocking the locker, officers should holster the weapon, without the magazine.
 2. Officer shall, while the weapon is holstered:
 - a. Insert the magazine into the magazine well;
 - b. Ensure that the magazine clicks into place;
 - c. Tug on the magazine to ensure that the magazine has seated properly
- A.** Detainees should be supervised by department staff of the same gender as the detainee. When this is not possible, there should be at least two officers present during all contact with male and female detainees of the opposite gender. Employees monitoring detainees of the opposite gender shall respect the detainee's privacy rights within the limits of facility security.
- B.** Any law enforcement officer who commits an indecent assault and battery on a person in their custody or control will be charged under G.L. c265 s13H1/2.

IX. MALE DETAINEES:

- A.** When officers transporting detainees arrive at the station, they are to drive wagon or cruiser into sallyport area and then shut the sallyport overhead doors.
- B.** The Department is in a vulnerable position if a female escort officer is used to transport a male detainee. At times, however, it may not be possible to assign a male officer as the transporting officer for a male detainee. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information shall be documented.
- C.** Both officers will lock the transport vehicle and secure their gun(s) and keys to the transport vehicle in the gun locker within the sallyport area (this includes officers exchanging their O.C. Aerosol Spray by placing it in the gun locker and taking out the distinctively marked O.C. Foam Spray and placing it in the holder on their gun belt, for use if necessary). The officer who is to do the fingerprinting shall also place his/her baton in the gun locker; however, the other officer will keep his or her baton on their person.

- D. Only after these steps have been completed, may a detainee be removed from the transport vehicle and taken into the booking area.
- E. Prior to the booking process, detainee(s) are to be secured in the holding area or the holding cell. While there, detainee(s) are to be handcuffed to the bar that is within each location. The detainee should be searched in accordance with the procedure that follows in subsequent sections.
- F. A detainee who violently resists arrest and/or poses a threat to himself or to the transporting officers should be placed in his/her cell or the holding cell handcuffed behind his/her back. The cell door is closed and the handcuffs are to be removed by utilizing the food access portion of the cell door. The detainee should be removed from the cell only after being re-handcuffed utilizing the food access portion of the cell door.
- G. Male detainees are to be brought into the holding facility and subjected to a thorough search. This search includes the removal of outer garments such as; hats, jackets, sweaters, vests and the like. **It does not include the removal of normal inside-wear such as trousers, shirts, shorts, and other similar clothing.**
- H. Protective gloves shall be worn at all times during the search of a detainee.
- I. A hand-held metal detector will be used **prior** to the inventory search. This search should be conducted by two officers in the holding area. When using the wand the sensitivity button should be depressed to avoid false readings from floor girders and other metal building materials.
- J. The metal detector will be kept at the booking desk. The wand will not be used on subjects with internal defibrillators and/or pacemakers.

NOTE: *All officers should be aware that use of the metal detecting device does not constitute a proper inventory search. It should be used as a preliminary step in the inventory process. An inventory search must be conducted after the use of the metal detector wand.*

- K. After being thoroughly searched, the detainee is to be secured either at the handrail in the holding area, the holding cell, or at the handrail at the booking desk utilizing handcuffs.
- L. When the booking officer is ready, the detainee will be handcuffed to the rail at the booking desk. See **Section 16, for Detainee Booking.**
- M. Leg restraints may be used in addition to handcuffs when the officer believes the detainee has a potential for violent behavior or flight; leg restraints may be used in lieu of handcuffs due to injury or disability.

- N. Whenever there is a detainee in the holding area he or she shall be monitored on camera. Additionally, there shall be at least one officer within the holding facility to oversee the detainee(s) at these times.
- O. Once the detainee is booked, transporting officers shall advise the dispatcher and the House Officer to activate the holding facility cameras. The holding facility camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.
- P. During booking, the purpose of screening is to determine whether medical attention is required.

X. MULTIPLE DETAINEES:

The department is in a vulnerable position if a male escort officer is used to transport a female detainee and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female detainee. In such situations, procedures should provide for recording time of departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

- A. Multiple detainees shall be handled in the same manner as Section 3, subsection 3a. Male Detainees.
- B. In the case of multiple detainees, one detainee is to be searched at a time while the other(s) are secured in the holding area or in the holding cell.
 - 1. **See Section 13: Juvenile Detainees**, on the handling of **Multiple Juveniles**
- C. When the booking officer is ready, the detainee will be handcuffed to the rail at the booking desk. **See Section 16, for Detainee Booking.**
- D. Once the detainee is booked, transporting officers shall advise the dispatcher and the House Officer to activate the holding facility cameras. The holding facility camera is to be locked on and monitored by the dispatcher, House Officer and the Commanding Officer. The dispatcher is to advise the transporting officer(s) when the camera is activated.

XI. FEMALE DETAINEES:

The department is in a vulnerable position if a male escort officer is used to transport a female detainee and only slightly less vulnerable in the reverse situation. At times, however, it may not be possible to assign a female officer as the transporting officer for a female detainee. In such situations, procedures should provide for recording time of

departure, time of arrival, and mileage of vehicle used at both ends of the trip. The pertinent information should be documented.

- A. If males, females, and/or juveniles are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. This is to ensure the segregation of these three types of detainees. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees. Females should be separated from areas where males are detained.
 - 1. Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.
- B. Except for the below listed additional requirements and procedures, all of the rules for the handling of male detainees also apply to female detainees.
 - 1. Female in car w/female detainee
 - 2. Female to do all female searches
 - 3. Female w/female detainee at booking area
- C. When the booking officer is ready, the detainee will be handcuffed to the rail at the booking desk. **See Section 17 for Detainee Booking.**
- D. The booking officer should make an attempt to prioritize the booking by making an effort to book the female detainees first, thereby removing these detainees from the common booking area. When there are females and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked.
- E. During booking, the purpose of screening is to determine whether medical attention is required. Female detainee screening should take into account the special needs of women (e.g. are they currently menstruating? Pregnant?).
- F. Once the detainee is booked and placed into a cell, booking officers shall notify the dispatch center, front desk officer and the Commanding Officer of the platoon on duty, that a detainee has been placed into a cell, which cell they were placed into and any special instructions, concerns or other relevant information regarding that detainee. The cell camera is to be monitored by the dispatch center, the front desk officer and the Commanding Officer.

XII. TRANSGENDER DETAINEES:

When processing a transgender individual after arrest, officers shall treat all transgender detainees with the same degree of care and custody precautions as they would with any other arrestee, and ensure that all standards of the police lockup facility are maintained.

- A. The Booking Officer will process transgender detainees, including persons held in protective custody and juveniles held in custody, according to normal booking procedures as outlined within the applicable policies.
- B. When booking a transgender detainee, the Booking Officer will include the detainee's preferred name (i.e., name that the individual uses in self-reference) in the booking, either as the primary name or as the alias name.
- C. If no identification is available, then the Booking Officer will use the preferred name for booking purposes, either as the primary or the alias name. The detainee's birth name will be used only if it is the detainee's legal name or it is required by a legitimate law enforcement purpose, including but not limited to, a prior arrest record.
- D. **Searches:** All searches of the transgender detainee will be conducted by an officer of the gender requested by the transgender detainee. If the detainee does not specify a preference as to his/her sexual identity, then the search will be conducted by officers of the same gender as the transgender detainee's gender expression (e.g., a female-to-male detainee expressing no preference should be searched by a male officer). All searches will be performed in accordance with the prescribed procedures.
- E. **Refusal to Search:** An officer will not refuse to search a transgender arrestee based upon the arrestee identifying him/herself as a transgender.
- F. **Holding Cell:** When detaining a transgender arrestee, the Booking Officer will confer with the Shift Commander as to which cell the arrestee will be placed. Because there is sufficient isolation between the cells, a transgender arrestee will be given the preference as to whether they will be placed in either a male or female cell, unless there are extenuating circumstances for selecting one type of cell over the other. This is particularly true, if in the opinion the arresting officer the arrestee should be placed in an isolation cell for the protection of the detainee against self-harm or when a detainee has a positive Q-5.
- G. Whenever officers of the opposite gender interact with a transgender individual while the individual is being held, two officers will attend to the individual. This precaution is for the protection of the arrestee and the officers involved.

XIII. JUVENILE LOCKUP LAWS & PROCEDURES

- A. **No status offender can be placed in secure lockup for any amount of time.**

Status Offender = CRA, runaway, truant, stubborn child and habitual school offender. A minor in possession of alcohol under age 18 is considered a status offender under federal regulations. A child in protective custody, a non-offense, shall be accorded the same treatment as a status offender.

Securely Detained = Securely detained is defined as physically detained or confined in a locked room (**the booking area is a Securely Detained area under this definition**), set of rooms, or a cell that is designated, set aside, or used for the purpose of securely detaining persons who are in law enforcement custody. Secure detention can result either from being placed in such a room or enclosure and/or being physically secured to a stationary object such as a cuffing rail. **Note: Under this rule juvenile under 14 years of age and Status Offenders can be booked in our booking area; however, these juveniles cannot be kept inside this area while waiting to be booked nor, can they be kept inside this area after they have been booked.**

Non-Secure Custody = A condition under which a juvenile's freedom of movement is controlled by members of the Brookline Police Department and, during such time, the juvenile:

1. Status offenders are held in an unlocked, multi-purpose room that is in no way designed for residential use: Guardroom, Main Lobby, Interview Room. This multi-purpose room is protected from public visibility and a place where the juvenile does not have access to CJIS or confidential information. The juvenile will be monitored and under the supervision of a patrol officer.
2. Is not handcuffed to any stationary object:
3. Is held only long enough to complete identification, investigation and processing and then released to a parent or guardian or transferred to a juvenile facility or the court; and
4. Is under continuous supervision until released.

B. No Juvenile under the age of 14 may be held in a police lockup.

NOTE: When it is time to book a juvenile under 14, the juvenile can be brought into the booking area to be booked and if necessary, fingerprinted and photographed, and then must immediately be removed from the area. They **CANNOT** be held inside the area waiting to be booked; this would constitute a violation of the Laws & Procedures.

C. Youth charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.

These juveniles can be booked and held in cells only for the purposes related to identification, processing, and/or holding until the offender is released to his/her parent(s)/guardian(s) or transported to court or an appropriate alternative lockup program.

NOTE: M.G.L.c.119 s34 states that children will not be transported in a patrol wagon. You must use a suitable vehicle.

XIV. JUVENILE DETAINEES

- A.** Juvenile detainees shall be processed in the same manner as adult detainees with regard to searches. However, officers shall take into account the age and sensitivity of the juvenile detainee. **See section 9: handling of male detainees and see section 16 on detainee booking.**
- B.** If juvenile males or females are required to be detained at the same time, their holding areas shall be separated from each other by sight and sound. The booking officer should make an attempt to prioritize the booking by making an effort to book the female detainees first, thereby removing these detainees from the common booking area. When there are females and males to be booked, first the males shall be searched, their property will be removed, and they will be placed in a cell(s) until the female(s) have been booked. At the completion of the female booking they will be placed in a female cell(s). Only when this is completed shall males then be booked. Juveniles should not be processed in the presence of adult violators and should be held in areas away from adult detainees.

NOTE: Sound, for the purpose of this standard is defined as normal/loud conversation and does not include deliberate yelling or screaming. Yelling and screaming shall be controlled by persons supervising detainees.

XV. MULTIPLE ARRESTS OF JUVENILE OFFENDERS PRESENTS SERIOUS PROBLEMS

- A.** Any juveniles under the age of 14 can only be brought into the booking area for the time necessary to book, fingerprint, and photograph and then they must immediately be removed. They **CANNOT** be held in the lockup area waiting to be booked; this is violation of the law.
- B.** Youths charged with delinquency offenses shall not be held in a police lockup or otherwise securely detained for any longer than six (6) hours.
- C.** The Six-Hour clock begins when the juvenile is placed in Secure Detention (a juvenile cell, locked room, or cuffed to a stationary object). If a juvenile is held longer than six (6) hours, it is a violation of the law and it can bring with it serious repercussions. **NO ONE HAS THE AUTHORITY TO SUPERSEDE** the six-hour jail removal mandate.

We are required to report all violations of Juvenile Lockup Laws and Procedures to the Massachusetts Executive Office of Public Safety.

1. When the booking officer is ready, the detainee will be handcuffed to the rail at the booking desk. **See Section 16 for Detainee Booking.**
2. Once the detainee is booked and placed into a cell, booking officers shall notify the dispatch center, front desk officer and the Commanding Officer of the platoon on duty, that a detainee has been placed into a cell, which cell they were placed into and any special instructions, concerns or other relevant information regarding that detainee. The cell camera is to be monitored by the dispatch center, the front desk officer and the Commanding Officer.
3. After making any juvenile arrest the Commanding Officer shall contact the District Court's Probation Office.
4. Probation will recommend a release to a parent or guardian or hold for court.
5. If the probation recommends holding for court and the arrest was either for:
 - a. CRA warrant;
 - b. Runaway/Missing Person;
 - c. Other status offense.
6. The Commanding Officer – Platoon on Duty will contact the juvenile facilities, posted in the C.O.'s office by the juvenile officer, for an alternative lock up facility. Transportation to the alternate lockup facility will be provided by this Police Department. The alternate facility will arrange for transportation to court for arraignment.
7. Juveniles charged with violent criminal offenses may be held in a Department of Youth Services facility.

XVI. STRIP SEARCHES:

In cases where the officer has probable cause that weapons, contraband or other evidence are concealed under the detainees clothing, and the items cannot be retrieved through normal procedures, then a strip search may be conducted. The strip search is a procedure where the detainee is required to remove all clothing and the clothing is searched while a **VISUAL** inspection of the detainee's body is conducted. A search warrant is not required for a strip/visual body cavity search.

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STRIP SEARCH.

Defined: Generally refers to an inspection of a naked individual's body, without scrutiny of his/her body cavities.

Standard of conduct: Probable cause.

VISUAL BODY CAVITY SEARCH.

Defined: Visual inspection of anal and genital areas.

Standard of conduct: Probable cause.

MANUAL BODY CAVITY SEARCH.

Defined: Involves touching and probing of body cavities.

Standard of conduct: Something more than probable cause. **Must obtain a search warrant signed by a judge.** A "strong showing particularized need supported by a high degree of probable cause." *Id.* At 408, citing *Rodrigues v. Furtado*, 410 Mass.878 (1991).

THE MERE FACT THAT A PERSON IS UNDER ARREST DOES NOT BY ITSELF PERMIT ANY OFFICER TO CONDUCT A STRIP SEARCH.

- A.** Strip searches must be authorized by a superior officer with the rank of sergeant or above and conducted under supervised conditions. Strip searches shall only be conducted when, due to circumstances of the arrest or the nature of the arrest, the booking officer has reason to believe that weapons, items of evidentiary value or contraband maybe concealed upon the detainee in a manner that would not lead to discovery by a conventional detainee inventory search. Only officers of the same gender as the gender of the detainee shall be utilized. Those detainees whose biological gender is different than their gender identity or expression will be given a choice of what gender the officer conducting the strip search will be. If there are not two officers of the same gender as the detainee available to conduct the strip search, then an officer of the opposite gender will be out of site, but within earshot for safety. Juvenile detainees are subject to the same process as adults for strip searches.
- B.** Strip searches shall only be conducted in the booking area and in a manner that will minimize any embarrassment to the detainee. The video camera shall be turned on in order to record the entire procedure.
- C.** Strip searches will be conducted with a minimum of two (2) officers present during the procedure.
- D.** Detainees, prior to being instructed to remove all clothing, will be searched with the electronic metal detector wand.
- E.** All clothing shall be carefully inspected and returned to the detainee after a visual search of the detainee is conducted.

- F.** The results of the strip search as well as the knowledge that led to the search being conducted shall be reflected in the report submitted by the superior officer authorizing the strip search. This information shall also be included in the arrest report.
- G. BODY CAVITY** searches for adults and juveniles will not be permitted without authorization of the Commanding Officer – Platoon on Duty. Manual body cavity searches shall not be conducted without a search warrant signed by a judge. A Commanding Officer shall approve the application for the search warrant.

In the event that a warrant is issued for a body cavity search, the search will be done by a medical professional only. The detainee will be transported to a medical facility. The medical facility shall be notified in advance so that they may have a qualified professional available to conduct the search. Upon arrival at the medical facility, the medical professional shall be provided a copy of the search warrant. Any evidence found will be processed in accordance with all Department policies and procedures. A written report shall be completed outlining all the circumstances of the body cavity search.

XVII. DETAINEE BOOKING:

Note: “Receiving-Screening” Information must be obtained and recorded when any detainee is admitted to the facility. The purpose of the screening is to determine whether medical attention is required, document detainee’s escape potential and potential security issues. Female detainee screening should take into account the special needs of women (e.g Menstruation, pregnancy, etc.)

Receiving-Screening should include an inquiry into:

- **Current health of detainee;**
- **Medications taken by detainee;**
- **Behavior including state of consciousness and mental status; and**
- **Body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.**

- A.** In addition, a record should be kept of all treatment and medication administered to a detainee, including circumstances or events necessitating such treatment.

With the authorization of the Commanding Officer of the platoon on duty, Officers are authorized to disseminate/distribute any prescription or over the counter medications necessary to detainees, provided that the administration of the drug is requested by the detainee, and consistent with the prescription (if any).

1. Any medications brought in by a detainee, or given to him or her in the course of any treatment he or she may require while in department custody, shall be retained with the detainee's property.
 2. If there is any question concerning the administration of medications, the officer-in-charge may either confer by telephone with a qualified medical physician before administering the medication, or the detainee may be transported to the hospital and the medication administered there.
 3. A written record of any medications administered to a detainee shall be maintained in the notes section of the detainee's booking record. Information recorded should include, at minimum, the date, time and method of administration as well as the medication given, the dosage and the identification of the officers present during administration.
 4. Medications will be administered only after confirmation that the correct medications, in correct dosages, are given to the correct patients, as prescribed.
 5. When appropriate, officers administering medications should consult with a local pharmacist to confirm that medication is being properly administered, and that pills are properly identified as marked.
 6. Upon a change or revision to standards relating to intake and dispensing medications, or every three years if no updates have occurred, the Department shall request that a licensed medical professional review the written directive and comment on whether any changes to the policy and procedures should be made.
- B.** The Police Department has a video recording system to record the audio and visual procedures of all persons brought to the station for formal booking.
- C.** Prior to the detainees being handcuffed to the rail at the booking desk, the officer in charge will turn on the recording device.
- D.** An officer must establish what hand the detainee writes with and handcuff the other hand to the bar in front of the booking desk.
- E.** The detainee shall be informed at the time of booking that he or she is being videotaped and voice recorded
- F.** The booking officer shall state, for the recording, his or her name, the date, and time and then give the person his/her Miranda Warnings from the form and inform them of their right to use the telephone and the charges against them.

- G.** All property shall be removed from the detainee, inventoried and recorded by the booking officer. All items and containers in possession of the detainee shall be opened, inventoried and recorded by the booking officer. Any locked container for which the arrested has a key among their other personal belongings shall be opened and its contents inventoried. Any locked container for which the arrestee does not have a key among their other personal belongings shall be opened only if the police have reasonable suspicion to believe that the container contains any item posing a threat to the safety and security of the station or its personnel. The rule set forth in this paragraph applies equally to any container within any other container searched. No matches or smoking material are allowed to be kept by the detainee nor are they to be given to them while they are under our custody. The property removed includes belts, strings, ropes or other items used to secure clothing that a detainee may use to harm himself. Shoes and/or shoelaces are to be removed from the detainee prior to their being placed in the cell. All property removed from the detainee is to be placed in the appropriate property locker coinciding with their cell placement. The key to the property locker shall be secured in the Commanding Officer – Platoon on Duty office with the booking paperwork until the detainee is released from custody.
- H.** At the completion of the booking, the handcuff should be removed and the detainee taken to be fingerprinted, photographed, including tattoos and body art, and placed in the appropriate cell.
- I.** When the detainee leaves the booking area, the booking officer shall shut off the video machine.

NOTE: If the arrest is for operating under the influence the following should be done:

- Inform the detainee of his or her right to the intoxilyzer test.
- At the conclusion of all tests, if the detainee is to be held, take the detainee for fingerprinting and photographing and then place in an appropriate cell.
- When the detainee leaves the booking area, the Booking Officer shall shut off the video recorder.

NOTE: The previous section does not limit the discretion of the Commanding Officer to utilize restraining devices when dealing with assaultive, combative, or unstable detainees when it is apparent that the physical safety of the officers and/or detainees is at risk.

XVIII. USE OF THE TELEPHONE/COURT/BAIL:

- A.** The detainee shall be allowed to make his or her telephone call from the booking desk within one (1) hour from the time of arrest. Two officers shall be present at this time.

- B. When a detainee is being held for a crime involving **domestic violence** the Commanding Officer – Platoon on Duty is to determine whether or not to allow the detainee to have a telephone call beyond the one he or she is entitled to by law. This telephone call will be in the presence of two officers who shall monitor the conversation.
- C. If the Court is in session when the booking process and all related arrest reports are completed, it shall be the responsibility of the Commanding Officer – Platoon on Duty to ensure that the detainee is transported to the Court without delay.
- D. 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 the bail cannot be arranged, until the next session of the court.
- E. It shall be the responsibility of the Shift Commander to ensure that an arrestee's opportunity to make bail is not impeded.

XIX. PLACEMENT INTO CELLS:

- A. At the completion of the booking process the detainee is to be placed in the appropriate cell. At least two officers are to accompany the detainee until they are secured in a cell. A security check, including a check for weapons and contraband should be made by those officers who secure the detainee in a cell. The cell door should be tested for vulnerability after the detainee is secured. Any unusual conditions found or observed should be reported immediately in writing to the Commanding Officer – Platoon on Duty.
- B. All important detainee information such as medical and or medication use, suicide watch, universal precautions or telephone use shall be written on the holding facility data board.
- C. The dispatcher, House Officer and the Commanding Officer – Platoon on Duty shall be notified of the cell number that the detainee has been placed into and then activate the camera for that cell.

NOTE: *At no time will any officer of this Department leave a detainee unattended outside the confines of the holding facility. Whenever a detainee is held in any room, space or area outside the confines of the holding facility, they are to be under the continual, direct, personal supervision of an officer who can immediately intervene on behalf of the agency or detainee.*

XX. KEY SECURITY AND DOOR CONTROL:

- A. The spare/manual key to the holding facility cells is to be kept in the Commanding Officer – Platoon on Duty's office. The key may only be taken with the Commanding Officer's knowledge and permission. The key may be removed from the Commanding Officer – Platoon on Duty's office only when the

automated door system is inoperable and an officer needs to gain entry to a locked cell to release a detainee or some other essential reason.

- B. Emergency keys which will fit the interior doors to the facility are located in the Watch Box. The electronic panel that controls the doors and cell locks is located at the booking desk.
- C. The key to the food pass through door is to be kept at the booking desk in the booking room. Detainees shall be served all meals through the food door.
- D. All doors to unoccupied cells should be left locked when not in use.
- E. In the interest of proper security, when a detainee is being processed, the entry doors from the main building, the entry door from the garage/sallyport area, will be closed during the entire process. In addition, no one will be allowed into the booking area who is not needed to assist in the process.
- F. The storage room in the cell block hallway, male corridor, shall be kept locked at all times.
- G. All doors should be checked for vulnerability after they have been secured.

XXI. DETAINEE CHECKS:

Chapter 40: Section 36B; Cells and electronic security devices.

The law states the following on physical or visible checks: Each occupied cell within such a lockup facility should be physically or visibly checked by a law enforcement officer or other lockup personnel as often as is required by a reasonable standard of care of detainees.

It further states the following regarding the use of an electronic security device (Proximity Card) to record these checks: Every lockup facility shall have installed within the cell area an electronic security device which will record the date and time of day of each cell check made by a law enforcement officer or other lockup personnel. All checks made shall be recorded on such electronic security device.

- A. The Commanding Officer – Platoon on Duty is responsible for ensuring these checks are carried out in compliance with Police Department Policy. The use of electronic security checks will be monitored by the Office of Professional Responsibility.
- B. Each cell will be equipped with a two-way intercom system for communication between detainee and dispatch

C. Detainee Checks By Any Officer

The Commanding Officer – Platoon on Duty, when necessary, shall use street officers to make physical checks of detainees. When an officer makes a physical check of any detainee, the check shall be recorded by the use of a proximity card. Placing a detainee in a cell, giving a detainee food or water, or allowing use of the telephone, constitutes a physical check and requires the use of a proximity card to record it. Anytime an officer can physically see a detainee unaided by television, this is a physical check and it must be recorded by the use of a proximity card. All three proximity card readers P-1, P-2, and P-3 need to be swiped to constitute a physical check. The swipe readers are clearly marked. An officer may only enter an occupied cell when accompanied by at least one other officer, or when releasing a detainee from custody.

D. Detainee Checks by the House Officer

The House Officer shall conduct all designated duties relating to the control of persons held in the holding facility in accordance with department policies and procedures, including monitoring detainees. When the House Officer makes a physical check of a detainee(s), the check shall be recorded by the use of a proximity card. At the beginning of their shift, the House Officer shall make a security check of the holding facility as well as a face-to-face count of the detainee population. A security check, to include a check for weapons and contraband, must be recorded by the use of a proximity card. All three proximity card readers P-1, P-2, and P-3 need to be swiped to record the security check. At least weekly, the House Officer shall complete a Weekly Holding Facility Inspection Report. A documented testing of the Duress Alarm System will be conducted at least monthly and recorded on the Weekly Holding Facility Inspection Report.

E. Visual Monitoring of Detainees and How Often Physical Checks Must be Made:

Detainees in cells shall be constantly monitored visually through the use of the television monitors located in the three areas: the Dispatch Office, the Commanding Officer – Platoon on Duty's office and the House Officer's Desk. In addition to the constant monitoring of each cell through the use of the cell video cameras, direct physical checks of all occupied cells should be made at least every thirty minutes and depending on the detainee's demeanor, behavior, and history; these factors may require more frequent and constant physical checks. Physical checks require direct visual observation in the cell block area. Video equipment may be used to supplement observation, but may not be used in place of direct physical checks. The television video monitors installed in the cell block areas shall be turned on whenever a person is placed into one of the cells, holding cell, or holding area of the booking room/holding facility and shall be left on as long any one is being detained there.

1. It is the responsibility of the Dispatcher's, Commanding Officer – Platoon on Duty, and House Officer to monitor, at all times, all persons held in the Booking Room/Holding Facility.
2. There is no attempt in this procedure to violate the personal privacy rights of individuals held in the holding facility. Audio and or visual electronic surveillance equipment will be controlled to reduce any unnecessary invasion of a detainee's personal privacy.
3. The surveillance devices are never to be used for covert purposes, unless such action is essential to the safety or wellbeing of the general public or individual.
4. The halls of the holding facility and booking area are equipped with motion sensors. If a sensor detects motion, a visual alert highlight will frame the viewing window of the camera dedicated to that area. If any unauthorized individuals are observed, the Commanding Officer-Platoon on Duty, Dispatch, and the House Officer should be notified immediately. Officers will not enter a holding cell of a detainee of the opposite gender without another officer present. This shall not apply in emergencies.
6. An officer, when accompanied by another officer, may only enter the cell of a detainee to provide emergency care or to extract the detainee from the cell.

XXII. DETAINEE FOOD:

- A. The Police Department shall be the sole provider of food for detainees while in the custody of the Brookline Police Department. Three meals will be served on a daily basis to detainees detained over twelve hours. No more than fourteen hours shall elapse between any meal, including evening meal and breakfast.
- B. When the detainee is to be fed, the food access portions of the cell doors are to be utilized.
- C. No glass or metal containers, including beverage containers, will be allowed in a cell.

XXIII. TOOLS / CULINARY EQUIPMENT:

- A. No tools or culinary equipment will be allowed in the cell block area, except with the specific authorization of the Commanding Officer – Platoon on Duty.
- B. Any tools brought in for use in routine maintenance by personnel shall be checked in and out by the Commanding Officer – Platoon on Duty, who shall indicate in the department's computer system, the names of all persons bringing tools into

the cell block area, the company they work for, the nature of the work being performed, the types of tools being used and who authorized the work to be done.

- C. At the completion of the work, the Commanding Officer – Platoon on Duty shall inspect the cell block area to ensure that no tools have been left in the cell block, and shall enter the time the work was completed in the department's computer system.
- D. No metal or glass culinary equipment, cans, or bottles shall be allowed in the cell block area. Detainees may use only plastic and/or paper plates, cups, utensils.

XXIV. DETAINEE VISITORS:

- A. Holding facilities are not equipped to handle visitors. Visits should be denied until detainees arrive at the appropriate correctional institution where visitations can be appropriately managed. Holding facility security is paramount.
- B. If the request for visitation is made by an attorney in order to meet with a detainee/client, unless the detainee is to be questioned then the attorney's request shall be denied. Fifth Amendment rights only apply to the questioning of detainees. Further, Sixth Amendment rights also are not applicable since they do not attach until a detainee/defendant is actually arraigned.
- C. If a detainee is to be questioned and they have requested counsel, then this privilege is sacrosanct and in this situation every effort shall be made to allow the attorney to meet with his or her client in a confidential setting.
- D. Non-essential persons shall not be granted access to the holding facility.

XXV. RECEIVING OF MAIL OR PACKAGES

- A. Detainees shall not receive packages or mail while held in custody in the Brookline Police Department holding facility.
- B. If cash is brought in for a detainee's bail it should be inspected and recorded in the property or notes section of the booking system and stored with the detainee's other property.

XXVI. DETAINEE RELEASE:

- A. Commanding Officer –Platoon on Duty must check the message log on the Live Scan fingerprint machine to determine if the subject's response has come back prior to releasing any detainee. Positive identification should be confirmed Before a detainee is released from custody.

- B. When a detainee is to be released from custody, two officers are to enter the holding facility to facilitate this release.
- C. Property that was removed from the detainee at booking is to be returned to him/her, or their representative, and they are to sign the form indicating that they have received their property.
- D. Detainees that are being transported to the Court House cell block shall not be escorted over until the Court House security has been notified prior to leaving the police cell block. Detainee property bags will be turned over to the Court Officer or official taking custody of the detainee after an audit of the property in the presence of the detainee. The Officer or Official who is taking custody of the detainee shall sign the booking sheet, and the property shall be turned over to him or her and becomes his/her responsibility.
- E. When transferring or releasing a detainee being held in the Department's holding facility to an outside agency, the Commanding Officer shall require such person, unless known to Department personnel, to show appropriate identification that certifies their authority to take control of the detainee. If they deem it necessary, the Commanding Officer may call the agency that the person represents to confirm his or her identity and authority.
- F. A security check, including a check for weapons and contraband should be made by those officers who release a detainee from a cell. Any unusual conditions found or observed should be reported immediately in writing to the commanding officer.

XXVII. DETAINEES UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS OR SICK OR INJURED:

- A. Any officer who encounters a subject either incidental to an arrest or at the police department holding facility, who is believed to be under the influence of an intoxicating liquor or drugs or sick or injured, is to make a determination as to whether or not the EMS system should be activated. As part of this evaluation, the officer shall inquire from the subject if they have any past medical history.

XXVIII. HANDLING VIOLENT, INTOXICATED, ETC. PERSONS:

- 1. Any detainee who is uncontrollable due to the influence of alcohol or narcotic drugs, or is violent, self-destructive or exhibiting signs of having mental health issues shall, if transportation or removal to a hospital, detoxification or other mental health facility is not feasible, be isolated as deemed appropriate by the Commanding Officer – Platoon on Duty.

2. Under no circumstances shall this type of detainee be placed in a cell occupied by another person. If segregation of the detainee into a single occupancy cell is not deemed or found to be sufficient for protection of the detainee or the facility, the Commanding Officer – Platoon on Duty shall take such action as is legal, safe, and effective to restrain any actions by the detainee that would be detrimental to himself/herself, other occupants, the police officers on duty, and/or the facility. In cases where the detainee's actions pose a definite threat to the security of the holding facility, the Commanding Officer – Platoon on Duty shall attempt to make arrangements with corrections officials for immediate transfer to their custody.
3. Segregation shall not involve any other penalty other than the segregation itself. There shall be no abridgement of rights or privileges that would normally be granted to any other detainee.
4. All actions of segregation shall be reported to current department procedures.
5. There shall be continuous monitoring of this type of individual through video and/or monitors or continuous personal observation.

XXIX. DETAINEES AT HOSPITALS AND INSTITUTIONS:

- A. When a person in custody needs medical attention due to sickness or injury, the EMS system is to be activated. EMTs will provide transportation to a hospital if necessary. If transported, the dispatcher or another officer will call the Emergency Health Care Contact Person by contacting the hospital security department. In some instances, a pre-designated location will be utilized to meet with security.
- B. In the event that a detainee transported to a hospital or other medical facility is to be held in the emergency room or admitted, the Commanding Officer shall determine the number of police personnel to be used. This decision should be made after consultation with the patrol supervisor in attendance and based upon the nature of the crime and the detainee's disposition.
 1. If two officers are to be used, they are to remain in close proximity to the detainee at all times.
 2. The detainee shall be restrained by using handcuffs, or, if necessary, restraints provided by the hospitals, unless either would be inappropriate for medical reasons and the foregoing of restraints is approved of by the sergeant or the Commanding Officer – Platoon on Duty. Whenever one officer leaves the area, the patient must be restrained until the second officer returns.

3. If there is only one officer and they are in need of a relief, they should notify the Commanding Officer of the Police Station or the patrol supervisor of need for a relief.
 4. At no time, when an officer is assigned to guard a detainee, shall said detainee be left unguarded.
 5. Officer assigned to guard the detainee, shall monitor the use of the telephone, if any calls are allowed.
 6. Officers assigned to guard the detainee shall examine their meals, ensure the detainee is given disposable utensils, and account for all dinnerware and unconsumed food.
- C. When a detainee is transported to the hospital prior to booking, this detainee's property shall be inventoried and held by the hospital. If transported after booking, the detainee's property will remain with the Police Department. Officers shall retain custody of any evidence removed from the detainee. Contraband and evidence shall be handled in accordance with existing Departmental rules and regulations.
- D. Visitors will be designated as non-essential personnel and will not be allowed. Authorized persons will be designated as essential personnel, and a list will be provided by the nursing staff/security. If a detainee has retained counsel they shall be allowed to consult with their attorney in a secure area within the sight of, but if possible, not within the hearing distance of the police officer.
- E. In the event a patient is disruptive, uncooperative, or escapes, no attempt to hold the patient will be made by nursing staff or security. However, the police department and the health care contact person shall be notified immediately. If the detainee escapes under any circumstances, the Commanding Officer – Platoon on Duty is to be notified immediately and the appropriate measures taken to search for and locate the detainee.
- F. In the event that a detainee is brought to a hospital or medical facility and the Commanding Officer – Platoon on Duty decides to leave the detainee without supervision, the health care contact person will notify the police department of the discharge date and time. The Commanding Officer will send the two officer transport vehicle to return the detainee to the police station.
- G. In certain circumstances as determined by the officer -in- charge and /or court, a detainee may be booked, arraigned, or released on bail at the hospital. Bookings at a hospital shall include the pertinent booking forms (Miranda warnings, phone rights).

XXX. PROCEDURE FOR PRE-ARRIGNMENT PSYCHIATRIC EVALUATIONS:

Where a person arrested and thereafter detained in police lock-up prior to arraignment, but is in need of inpatient psychiatric hospitalization due to suicidal ideations or exhibiting other signs of having mental health issues, the following procedures shall be followed:

There should be a probable cause determination.

- A.** The detainee should be taken to an emergency room for evaluation by a Department of Mental Health emergency team or hospital psychiatrist.
- B.** If the DMH emergency team or psychiatrist does not recommend inpatient psychiatric evaluation, the detainee should be medically discharged and returned to police custody.
- C.** If the DMH emergency team recommends inpatient psychiatric evaluation, the emergency team will locate an appropriate locked inpatient placement and have an inpatient bed held for the detainee.
- D.** Once an inpatient bed has been located, the judicial response system judge on call should be contacted by the Commanding Officer. The C.O. will provide the judge with the following information:
 - 1.** The current charges on which the detainee is being held;
 - 2.** The current condition of the detainee, including the recommendations and findings of the DMH emergency team (the evaluating clinician should be available to speak with the judge if requested);
 - 3.** A listing of any defaults, warrants, or other pertinent information regarding the detainee.
- E.** The on-call judge, after conferring with police and with the evaluating clinician, may issue an order committing the detainee to a specified locked inpatient facility pursuant to M.G.L. c. 123 s12(e). The order shall include the following provision:
 - 1.** On (DATE), the Superintendent of the facility shall return custody of the detainee to the police department that made the arrest, and said police shall appear at the facility at (time) on said date to receive the detainee into their custody. Release at any time of the detainee from the inpatient psychiatric facility on the above date, or any other date, shall be made only to the custody of the police.

- F. On the designated court day, the detainee will be returned to court by the police, at which time they will be arraigned and the court will address any outstanding warrants.

XXXI. DETAINEES AT RISK:

Any detainee, who attempts or threatens suicide or is a positive Q5 through the CJIS computer, will be handled in the following manner:

- A. Booking officers shall make certain that the proper computer queries (Q5) are made through the LEAPS/CJIS terminal to determine if the person being booked has previously attempted or threatened suicide while being held in a lockup facility within Massachusetts. If a query indicates a previous attempted or threatened suicide, the Emergency Telecommunications Dispatcher who ran the query shall stamp the cover of the arrest/booking packet in red indicating that the detainee is a suicide risk.
- B. Upon receipt of an arrest/ booking packet indicating that a detainee has previously attempted or threatened suicide the Commanding Officer shall make certain that appropriate actions are initiated to ensure the safety of the detainee. Such actions may include an evaluation by medical personnel, transport to a medical facility, or heightened supervision while in custody.
- C. The Commanding Officer shall fill out a suicide evaluation form. This form is to be attached to the booking sheet.
- D. The Commanding Officer or designee shall physically check the detainee as often as is required by a reasonable standard of care.
- E. The Commanding Officer may also include in the suicide watch the following but are not limited to:
 - 1. Remove **ALL** clothing from the detainees and any blanket from the cell. A hospital johnny will be provided.
 - 2. Assigning an officer to the holding facility.
 - 3. The final decision on what action to take during the suicide watch of a detainee will rest with the Commanding Officer – Platoon on Duty.
- F. The Commanding Officer – Platoon on Duty is responsible for informing the Commanding Officer – Platoon on Duty of the following shift of any detainees in custody who are a suicide risk and of what actions have been taken to ensure their safety.

XXXII. REPORTING OF THREATENED OR ATTEMPTED SUICIDES:

The Commanding Officer – Platoon on Duty shall ensure that attempted and threatened suicides by detainees are reported to the Executive Office of Public Safety, pursuant to M.G.L.c. 40 s36A. The following reporting procedure will be followed when a detainee attempts or threatens to commit suicide or shows indication that they may attempt to commit suicide (e.g. extreme depression, anxiety, etc.)

- A. The Commanding Officer – Platoon on Duty shall fill out a suicide evaluation form if a threat of suicide or in the opinion of the officer, the detainee is exhibiting symptoms of possibility committing suicide if placed in a cell. This form is to be attached to the booking sheet.
- B. The Commanding Officer – Platoon on Duty shall request appropriate medical personnel to the scene to make an evaluation as to whether medical treatment is required or whether the detainee should be hospitalized. If the detainee is transported to the hospital a police officer will accompany the ambulance to the hospital where a determination can be made as to whether the detainee is suicidal.
- C. The Commanding Officer – Platoon on Duty shall initiate a suicide watch (**see Detainees At Risk**) if the person is not hospitalized and is returned to the holding facility.
- D. The Commanding Officer– Platoon on Duty shall submit a report to the Deputy Superintendent of the Patrol Division, listing the name, address, date of birth of such person, the charge or reason of detention and the nature, date and time of said attempt or threat.
- E. The Commanding Officer– Platoon on Duty shall cause the subjects name and related information to be entered into LEAPS/CJIS under the suicide system.
- F. Whenever a detainee is transferred to another lockup facility, the Commanding Officer– Platoon on Duty shall notify in writing the receiving lockup facility of the exact nature of the attempt or threat. The Commanding Officer is to comply with this procedure when a detainee who has attempted or threatened suicide is turned over to another police department, taken to the court lockup, or any other lockup facility. The Commanding Officer shall fill out the notification form along with the suicide evaluation form and will give a copy to the person receiving the detainee with the originals being attached to the booking sheet.

XXXIII. NOTIFICATION TO RELIEVING SHIFT:

- A. The Commanding Officer– Platoon on Duty are to fully inform the relieving shift commanders of threatened or attempted suicides. If a transfer is made the Commanding Officer at the time of the transfer shall be responsible for making notification as noted in the above section.

XXXIV. DEATH OF A DETAINEE:

- A.** Immediately activate the EMS system.
- B.** The Commanding Officer – Platoon on Duty is to be notified and will complete an incident report as required by M.G.L. c.40 s36A.
- C.** The scene is to be secured and treated as a homicide.
- D.** The Chief of Police, Superintendent, Deputy Superintendent- Patrol Division, Deputy Superintendent- Detective Division and the Office of Professional Responsibility shall be notified.
- E.** The Medical Examiner must be contacted.
- F.** Norfolk County District Attorneys office is to be notified.

NOTE: M.G.L. c.40 s36A states: Whenever a person in police custody commits suicide, dies or inflicts self-injury while in custody which subsequently results in his/her death, a report of such incident, identify of the deceased and describing the circumstances of such death, shall be sent within seven (7) days of such death together with a copy of any incident reports pertaining thereto, to the Medical Examiner's office.

XXXV. INCIDENTS/CONDITIONS THREATENING THE HOLDING FACILITY OR OCCUPANTS: All members of the department shall report all incidents or conditions that pose a threat to the safety and/or security of the holding facility, detainees, or staff.

- A. VERBAL NOTIFICATION:** An officer who has knowledge of such threatening condition or situation shall immediately report this information to the Commanding Officer - Platoon on Duty.
- B. WRITTEN REPORT:** After notifying the Commanding Officer - Platoon on Duty, the officer shall submit a written report regarding the matter.
- C. INVESTIGATION BY COMMANDING OFFICER - PLATOON ON DUTY:** The Commanding Officer - Platoon on Duty shall immediately investigate all such reports made to him or her and take corrective action at once if necessary. He or She shall report his or her actions and/or recommendations in writing to the Commanding Officer - Patrol Division.
- D. ADMINISTRATIVE REVIEW:** The Commanding Officer - Patrol Division shall review all reports of this nature and take appropriate action.

XXXVI. DETAINEE ESCAPE:

- A.** If a detainee escapes during arrest, transportation, or booking, the officers will notify the Dispatch Center (via radio if not at the station) giving as much information as possible, including the following:

 - 1. Detainee's name, if known;
 - 2. Description, including clothing;
 - 3. Area where escape occurred;
 - 4. Direction of flight;
 - 5. Probable destination, if known; and
 - 6. Any other pertinent information available.
- B.** The officers will begin an area search and attempt to regain custody of the detainee.
- C.** The Dispatch Center will immediately notify the Commanding Officer – Platoon on Duty of the detainee escape and they will deploy additional officers as necessary. Dispatch personnel will notify all patrol units and provide with a complete description and direction of flight. A CAD entry shall be created and filled in its entirety.
- D.** Submitting Reports – All officers shall promptly and accurately complete and submit all reports and forms as required by departmental procedures.
- E.** The officer responsible for the detainee who escaped shall, before the end of the shift, submit a written report detailing the events leading to the escape to the Commanding Officer – Platoon on Duty.
- F.** The Commanding Officer – Platoon on Duty will submit a written report concerning the events leading to the escape, the actions taken to regain custody, and any recommendation concerning possible corrective measures or department disciplinary proceedings.
- G.** Upon the Commanding Officer – Platoon on Duty's direction, Dispatch personnel will notify surrounding police departments of the escape and provide them with a complete detail of information available.
- H.** Notification should be made to any victims, family members, witnesses, or others who may be at the risk of danger from a detainee escape.

XXXVII. RECEIVING DETAINEES FROM AN OUTSIDE AGENCY:

- A.** It shall be the policy of the Brookline Police Department that before a detainee is accepted for detention in the Department's holding facility, by

a person unknown to the personnel on duty at the station, such person shall be required to show a badge and appropriate credentials, preferably an identification card with a picture, that certify his or her authority to make the arrest and commitment.

- B.** If they deem it necessary, the Commanding Officer – Platoon on Duty may call the agency that the person represents to confirm his or her identity and authority.
- C.** Only when the Commanding Officer – Platoon on Duty is satisfied that the arrest and confinement are legitimate shall the detainee be received into the Brookline Police holding facility.

XXXVIII. GROUP ARRESTS AND OVERFLOW SITUATIONS:

- A.** In the event of a group arrest, detainees arriving at the station will be placed in the holding cell or secured to the wall-mounted bar adjacent to the holding cell at the direction of the booking officer. These areas will be checked for weapons and contraband before and after each use.
- B.** The Commanding Officer will supervise the safe processing of all detainees. Detainees will be brought to the booking desk one at a time, as directed by the booking officer, to be booked and processed.
- C.** If, as the result of a group arrest, or at any other time, the Commanding Officer – Platoon on Duty determines that the number of persons to be detained in the Holding Facility will exceed the number for which the facility was designed:
 - 1.** The temporary overcrowding of this area is permitted under these circumstances until such time as the overcrowding situation can be relieved by either the transfer or release of persons being held.
 - 2.** In order to accomplish this, the Commanding Officer – Platoon on Duty shall examine the list of detainees and attempt to expedite the bail of the less serious offenders.
 - 3.** If release of a sufficient number of detainees to relieve the overcrowding of the Holding Facility is not possible, the Commanding Officer – Platoon on Duty may request the aid of neighboring police departments in detaining detainees in their holding facilities, with the use of Brookline Police Department personnel to maintain security and control.
- D.** The Commanding Officer – Platoon on Duty is authorized to call in such additional personnel as may be necessary to satisfy the additional requirements of the overflow situation.

If male, female, and juvenile detainees are to be held at the same time, their holding areas shall be separated from each other by sight and sound.

E. All detainees shall have access to restrooms, water and food.

XXXIX. The Commanding Officer – Platoon on Duty shall fill out a booking sheet on every person taken into custody by this Department. All booking records shall be kept in a secure file located in the Service Division with access limited to authorized persons. All files are password protected by computer access. These forms shall serve as the permanent arrest/detention record of the individual arrested/detained.